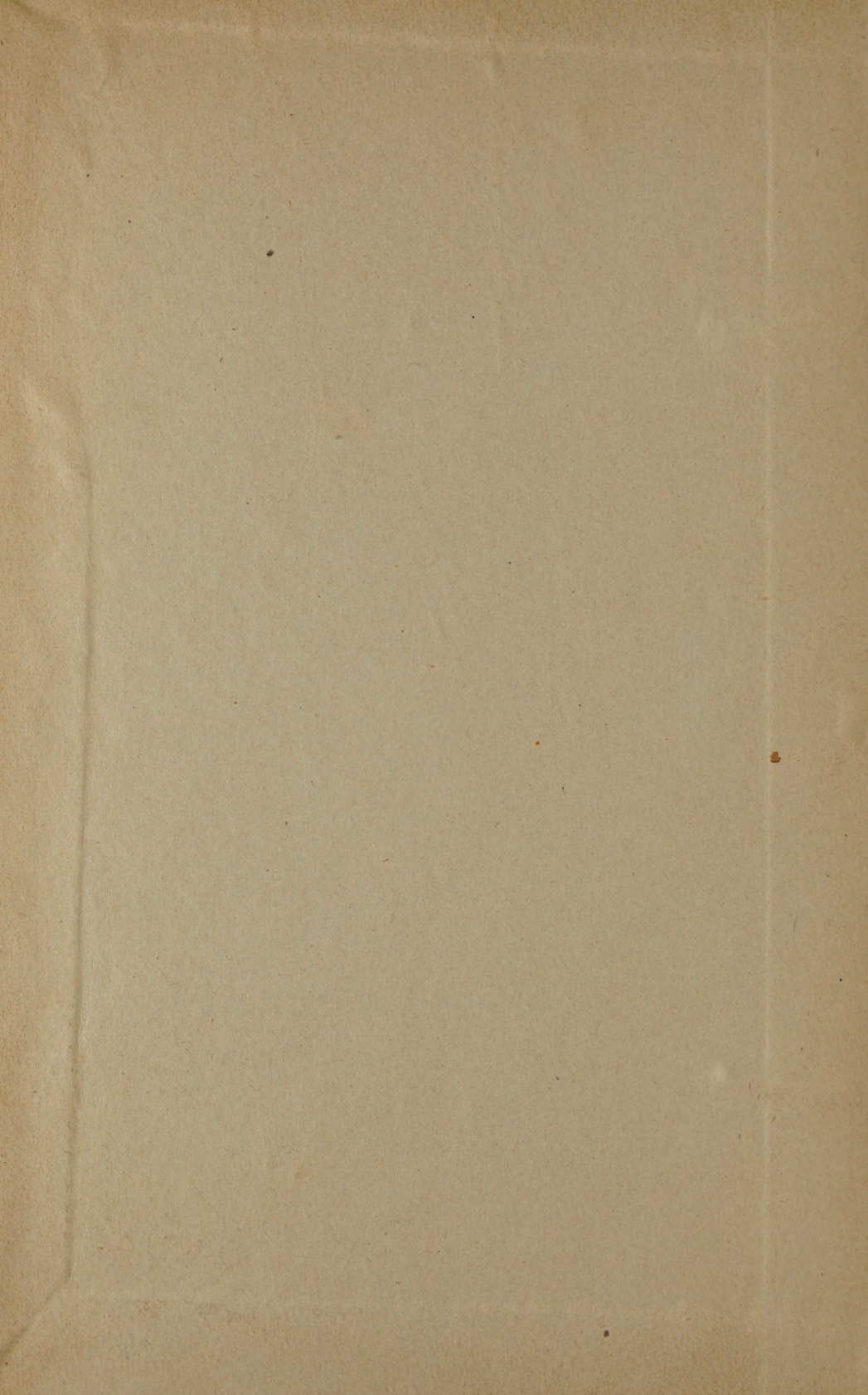


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EIGHTH REGULAR

AND

EXTRAORDINARY SESSIONS

OF THE

Legislative Assembly

OF THE

STATE OF MONTANA.

Convened at Helena, the Capital of said State, in Regular Session
on the Fifth day of January, 1903, and ending on the Fifth
day of March, 1903, and in Extraordinary Session on
the Twenty-Sixth day of May, 1903.

PUBLISHED BY AUTHORITY

1903.
STATE PUBLISHING CO.,
PRINTERS, STATIONERS AND BINDERS,
HELENA, MONTANA.





Officers and Members

of the Eighth Legislative Assembly of the State of Montana.

Governor, JOSEPH K. TOOLE,

Lieutenant-Governor and President of the Senate, FRANK G. HIGGINS.

STATE SENATORS

NAME	Politics	County	Postoffice Address
Albright, Jacob	Rep.	Madison	Virginia City
*Anderson, Elmer J.	Rep.	Meagher	White Sulphur Springs
*Biggs, Wesley M.	Dem.	Lewis and Clarke	Helena
Boune, George Blake	Rep.	Choteau	Hill
Brennen, William James	Rep.	Flathead	Big Fork
*Conrow, John M.	Dem.	Park	Livingsston
*Cullen, Thomas Patrick	Dem.	Dawson	Glendive
Donlan, Edward	Rep.	Missoula	Missoula
Durham, George P.	Dem.	Granite	Philipsburg
*Hoffman, Charles Wheeler	Dem.	Gallatin	Bozeman
Hopkins, James Skinner	Dem.	Rosebud	Forsyth
Johnson, Edward Anderson	Dem.	Ravalli	Hamilton
*Kelly, James N.	Rep.	Sweet Grass	Hunters Hot Springs
*Kennedy, Jacob M.	Dem.	Deer Lodge	Anaconda
Kohrs, Conrad Carsten	Rep.	Powell	Deer Lodge
Maddox, Fletcher	Rep.	Cascade	Great Falls
Mahon, Archibald W.	Dem.	Valley	Glasgow
*Meyer, William Frederick	Rep.	Carbon	Red Lodge
*Murray, James P.	Dem.	Beaverhead	Dillon
*McLean, Kenneth	Rep.	Custer	Miles City
Ralston, Samuel Franklin	Dem.	Teton	Choteau
Sherlock, Henry Lloyd	Dem.	Jefferson	Bouider
Tewey, Daniel	Dem.	Silver Bow	Butte
Waite, John David	Rep.	Fergus	Lewistown
Whipple, Charles A.	Dem.	Broadwater	Townsend
Yegen, Christian	Rep.	Yellowstone	Billings

*Holdovers, elected 1900.

X. K. STOUT, Secretary.

HOUSE OF REPRESENTATIVES

NAME	Politics	County	Postoffice Address
Allen, William R.	Rep.	Deer Lodge	Anaconda
Arthur, Samuel	Dem.	Granite	Granite
Axtell, Frank B.	Lab.	Silver Bow	Butte
Bray, Charles H.	Rep.	Lewis and Clarke	Helena
Bray, William	Rep.	Rosebud	Rosebud
Beaudry, Leon Edward	Lab.	Deer Lodge	Anaconda
Benson, Fred G.	Rep.	Lewis and Clarke	Helena
Bever, Chauncey C.	Rep.	Yellowstone	Billings
Brownlee, Robert	Rep.	Sweet Grass	Melville
Buchanan, Patrick Blair	Rep.	Cascade	Belt
Burt, George W.	Rep.	Custer	Terry
Cannon, Harvey S.	Rep.	Flathead	Kalispell
Conner, Aaron	Rep.	Ravalli	Darby
Dempster, Charles W.	Lab.	Silver Bow	Butte
Downey, Timothy Driscoll	Dem.	Jefferson	Basin
Duggan, Lawrence	Lab.	Silver Bow	Butte
Dwight, Reuben	Rep.	Missoula	Missoula
Everett, Thomas Madison	Rep.	Choteau	Harlem
Farmer, Robert William	Fus. Dem.	Silver Bow	Butte
Faust, Henry J.	Rep.	Powell	Ovando
Flaherty, John	Dem.	Jefferson	Cold Spring
Gagner, Frederick	Lab.	Deer Lodge	Anaconda
Gittman, Harry Joseph	Rep.	Meagher	White Sulphur Springs
Graham, David	Rep.	Missoula	Missoula
Harrison, William Henry	Rep.	Cascade	Neihart
Hoffriling, Charles Sumner	Rep.	Park	Livingston
Hilger, David	Dem.	Fergus	Lewistown
Hulman, John Roland	Rep.	Flathead	Columbia Falls
Johnson, Herbert Earle	Rep.	Broadwater	Winston
King, Ernest W.	Rep.	Fergus	Lewistown
Lancaster, John Wesley	Rep.	Ravalli	Stevensville
Lanstrum, Oscar Monroe	Rep.	Lewis and Clarke	Marysville
Lehson, Henry William	Rep.	Granite	Garnet
Lienemann, Louis	Fus. Dem.	Silver Bow	Butte
Linderman, Frank Bird	Rep.	Madison	Sheridan
Lynch, James Henry	Anti-Tr D	Silver Bow	Butte
Martin, James E.	Dem.	Gallatin	Bozeman
Miller, Charles B.	Rep.	Lewis and Clarke	Helena
Miles, John H.	Rep.	Madison	Pony
Morrissey, John	Lab.	Deer Lodge	Anaconda
Mullins, Patrick	Fus. Dem.	Silver Bow	Butte
McCone, George	Rep.	Dawson	Reeta
MacDonald, Duncan A.	Rep.	Jefferson	Alhambra
MacGinnies, John	Fus. Dem.	Silver Bow	Butte
Noble, John M.	Rep.	Flathead	Kalispell
O'Keefe, Timothy C.	Lab.	Deer Lodge	Anaconda
Owen, Charles Milton	Rep.	Missoula	Missoula
Pearson, Louis J.	Rep.	Cascade	Great Falls
Pelletier, Fred J.	Lab.	Silver Bow	Butte
Rice, James Horton	Rep.	Choteau	Fort Benton
Sales, Walter Henry	Rep.	Gallatin	Manhattan
Self, James Madison	Rep.	Missoula	Plains
Schwend, Joseph H.	Lab.	Deer Lodge	Anaconda
Shannon, Joseph	Lab.	Silver Bow	Butte
Stadler, Louis	Rep.	Lewis and Clarke	Helena
Stapleton, Guy W.	Fus. Dem.	Silver Bow	Butte
Story, Nelson, Jr.	Rep.	Gallatin	Bozeman
Swindlehurst, Thomas Martin	Dem.	Park	Livingston
Sykes, Henry N.	Rep.	Custer	Ekalaka
Teal, Thomas Hilton	Rep.	Madison	Virginia City
Tollman, John N.	Rep.	Carbon	Red Lodge
Tooley, Clarence P.	Rep.	Meagher	Two Dot
Vagg, Harry A.	Rep.	Valley	Saco
Webb, Jonathan E.	Rep.	Custer	Choteau
White, Benjamin F. (Speaker)	Rep.	Beaverhead	Dillon
Whiteley, William F.	Lab.	Silver Bow	Butte
Williams, David F.	Rep.	Broadwater	Radersburg
Wilson, Charles Albert	Rep.	Cascade	Great Falls
Wilson, John Barres	Rep.	Lewis and Clarke	Helena
Wood, George Rodney	Dem.	Cascade	Great Falls
Woodworth, George	Rep.	Beaverhead	Wisdom
Word, Charles Francis	Dem.	Lewis and Clarke	Helena

NATHAN GODFREY, Chief Clerk.

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113	A bill for An Act to amend Sections one, two, seven, eight, nine, fifteen and nineteen of An Act entitled "An Act to create the Montana State Board of Horticulture, to prescribe its duties and powers and to appropriate money therefor, approved February 17, 1899; and as amended by the Act of March 14, 1901; and to add to said Act certain new sections to be designated as Sections 21 to 26 inclusive	62, 63, 136, 166, 195 200, 206, 283, 303, 305.

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119	A bill for An Act fixing the fees of the Secretary of State, for filing articles of sale, and other religious and benevolent corporations	62, 63, 79, 100, 126, 136, 142, 202, 220, 222.
120	A bill for An Act entitled "An Act to prohibit the employment of incompetent persons to manage or operate any electric, compressed air or other engine or motor, which may be used in, around or about any mill, smelter, reduction works or manufacturing plant of any kind in the State of Montana and providing penalties for the violation of its provisions	62, 63, 153, 174, 196, 200, 205.
121	An Act to amend Section 4911, Article 6, Chapter 3, Title 3, Part 4 of the Political Code of the State of Montana, relating to the jurisdiction of Police Courts	62, 63, 84, 100, 126, 136, 142, 196, 200, 225.
122	A bill for An Act to amend Section 1757 of the Political Code, relating to the apportionment of money to school districts	65, 67, 153, 183, 222, 223, 227, 232, 276, 289, 290, 294.
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125	A bill for An Act entitled "An Act to provide for the election of Road Supervisors, to define and regulate their powers and compensation and to establish road districts	65, 67, 245.
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127	An Act creating a County Board of Examiners for the purpose of examining teachers, and defining the powers and duties and fixing the compensation of the members of such boards	65, 67, 153.
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129	A bill for An Act to amend Section 4605 of the Political Code of the State of Montana, relating to board of prisoners and witnesses	65, 67, 94, 107, 135, 145, 157.
130	A bill for An Act appropriating money for the purpose of providing additional dormitory accommodations for the State Normal School at Dillon, Montana	65, 67, 200.
131	A bill for An Act regulating the manufacture and sale of drugs and food products	65, 67, 106.
132	An Act to enable the State to accept the offer of the United States, viz: 1,000,000 acres of arid land under an act of Congress commonly known as the Carey Act, approved Aug. 18, 1894, amended June 11, 1896, and March 3, 1901, by abolishing the State Arid Land Grant Commission, and establishing instead the Carey Land Act Board, to be composed of the Governor, State Engineer, and Register of the State Land Office, defining the duties and powers of said Board, providing that it serve without additional compensation, providing the method of letting contracts for the reclamation of arid land, fixing time allowed for construction of works, conditions of forfeit, relieving the State liability, providing for the classification of reclaimed land, and disposal of same within minimum or maximum price fixed, disposition of fund thus derived, making water right appurtenant to land, authorizing liens, condition of their foreclosure, fixing time and manner of redemption, right	

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133	A bill for An Act to declare the ownership of and provide for and regulate the diversion, distribution and use of the waters of flowing streams and other sources of supply in this State and the abandonment and forfeiture of such rights, defining and limiting riparian rights, limiting the rights to injunction, to prevent the beneficial use of water, providing for the acquisition of rights of way for canals, ditches and pipe lines, providing penalties for violations of this Act and the unlawful diversion or use of water, establishing a State Irrigation Board, providing the powers and duties of said Board., and fixing their compensation, compelling persons, associations and companies to keep their plants and systems in repair, providing for the appointment and compensation of assistants to said board of engineers, limiting the expenses of such board and its assistants, and providing for the payment thereof, requiring such board to ascertain, determine and make record of the flow of streams and make gaugings thereof and to ascertain and report the quantity of riparian lands on each stream, the amount of water used and needed for the irrigation thereof, and the appropriations of water upon each of the streams, the amount thereof and when each was made, and to make and file maps, and reports showing such riparian lands, use of water thereon and such appropriations, and fixing and defining the unit measurement of water, fixing the rules and rights of priority in the use of water, subjecting the appropriation of water to Acts of Congress providing for storage of flood waters, fixing the place of residence of the State Engineer and of the office of the Board and the times of its regular meetings and repealing Title VIII of the Civil Code of this State, Sections 1880 to 1902 inclusive, and the Act of the Legislature of this State, approved March 3, 1899, entitled "An Act establishing a standard of Measurement of water, defining the equivalent of a Miner's inch and repealing Section 1893, Title VIII, Part IV, Division II, of the Civil Code of the State of Montana, and all conflicting laws," and the Act of the Legislature of this State approved March 2, 1899, entitled "An Act to authorize the appointment of a Commissioner for the measurement and division of water under decrees of Court in certain cases," and all other laws and parts of laws in conflict with this Act	65, 67, 229.

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139	A bill for An Act entitled "An Act to amend Section 3866, Article 3, Chapter 2, Title 14, Part 4 of the Civil Code of Montana, relating to the renewal of mortgages of personal property	75, 76, 129, 153, 172, 189, 194.
140	A bill for An Act relating to the fencing of railroad tracks, and the protection of live stock from injuries thereon	75, 76, 213, 242, 256, 263, 266, 285, 292, 296, 305.
141	A bill for An Act entitled An Act requiring the County Commissioners in every County to conspicuously place signs at county road crossings and junctions, giving the name of the place to which the roads lead, and providing a penalty for destruction of any such sign boards	75, 76, 94, 107, 135, 145, 157.
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143	A bill for An Act to repeal An Act of the Fifth Legislative Assembly of the State of Montana, entitled "An Act to create a Board of Text Book Commissioners for the purpose of establishing a uniform series of text books for the public schools of Montana, and to regulate the supply of the same, defining the duties and powers of said Board, and to appropriate for their expenses a sum of money therein named	75, 76, 159, 183, 222, 223, 227, 232.

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145	A bill for An Act entitled An Act for the establishment of a uniform system of road government and administration in the counties of the State of Montana and to provide for the levy, collection and disposition of road tax, and providing penalties for the violation of the provisions of this Act, and to repeal An Act known as "House Bill No. 280," of the Session Laws of the Fifth Legislative Assembly of the State of Montana, entitled "An Act amending Sections 2640, 2642, 2643, 2680 of the Political Code, relating to the levy, collection and disposition of road taxes," approved March 4th, 1897, and to repeal An Act known as "House Substitute for Senate Bill No. 38," of the Session Laws of the Sixth Legislative Assembly of the State of Montana, entitled "An Act to repeal Sections 2640, 2642, 2643, and 2680 as amended, of House Bill No. 280, of the Fifth Legislative Assembly of Montana, relating to the levy, collection and disposition of road taxes, and to provide for a collection of a special road tax," approved March 3rd, 1899, and to repeal "Senate Bill No. 71," of the Session Laws of the Seventh Legislative Assembly of the State of Montana, entitled "An Act for the establishment of a uniform system of road government and administration in the counties of Montana," approved March 16th, 1901, and to repeal Sections 2600, 2601, 2602, 2603, 2604, 2620, 2621, 2630, 2631, 2632, 2633, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2680, 2681, 2682, 2683, 2684, 2690, 2691, 2692, 2693, 2694, 2695, 2700, 2701, 2710, 2711, 2720, 2721, 2722, 2723, 2724, 2725, 2726, 2727, 2728, 2729, 2730, 2731, 2732, 2733, 2734, 2740, 2741, 2742, 2750, 2751, 2752, 2753, 2754, 2755, 2756, 2757, 2758, 2759, 2760, 2761, 2762, 2763, 2764, 2765, 2766, 2767, 2768, 2769, 2770, 2771, 2810, 2811, 2812, 2813, 2814, 2815, 2844, 2845, 2846, 2847, 2848, and 2849 of the Political Code of the State of Montana	76, 76, 78, 100, 104, 116, 125, 146, 147, 183, 193, 238, 243, 254, 267.
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164	An Act providing for Free Text Books for the common schools of Montana, defining the method and manner of the distribution and care of the books, and providing for the purchase of the same.....	94, 95.
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167	A bill for An Act entitled "An Act to annex a portion of Fergus County to Yellowstone County and alter the boundaries of said counties to conform thereto	94, 95, 154, 174, 195, 200, 205, 220.
168	A bill for An Act requiring fire insurance companies, corporations and associations, doing business in the State of Montana, to pay a tax upon the excess premium received over losses sustained, and providing for the payment of moneys received from said tax for the use of fire departments	94, 95, 155, 183, 221, 227, 232, 273, 275, 279, 303, 304, 305.
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173	A bill for An Act appointing a Commission, making an appropriation and providing for an exhibition of the Arts, Industries, Manufactures and products of the soil, mines, ranges and forests of the State of Montana, at the Louisiana Purchase Exposition to be held at St. Louis in the year Nineteen Hundred and Four	100, 102, 121, 146, 195, 200, 204, 264, 270, 288, 289, 292, 295, 302, 305, 306.

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178	A bill for An Act entitled An Act making appropriations for the Montana School of Mines for the fiscal years ending Nov. 30, 1903, and Nov. 30, 1904	101, 102.
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192	A bill for An Act to divide Counties into Commissioner Districts	107, 107, 154, 189, 236, 243, 269, 275, 276, 277.
193	A bill for An Act entitled An Act appropriating money for the payment of a State Warrant issued by the State Arid Land Commission.....	107, 107, 229.
194	A bill for An Act entitled An Act to regulate the wages of engineers, firemen, janitors, elevator men, yardmen and other labor in and about the Capitol Building and authorizing their employment	107, 107, 178, 185, 198, 242, 243, 244, 269, 275, 276, 278, 303, 305.
195	A bill for An Act entitled An Act to amend Sections 580, 581 and 582 of the Political Code of the State	

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197	A bill for An Act entitled An Act to provide for the appointment and qualification of a Deputy Secretary of State, Deputy State Treasurer, Deputy State Auditor and Deputy State Superintendent Public Instruction	113, 117, 121, 227, 255, 262, 287, 290, 291, 295.
198	A bill for An Act entitled "An Act to provide traveling expenses for County Assessors while making the annual assessment	113, 117, 120, 123, 133.
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205	A bill for An Act to repeal ArticleXII of Part IV, Title II, Chapter III of the Political Code, relating to the office of County Auditor, which said Article XII comprises Sections 4560 and 4570 inclusive; also to amend Section 4312 of the Political Code,	

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14	A bill for An Act entitled An Act to amend Article 8, Section 1861, Chapter 6, of the Political Code of the State of Montana	80, 154, 171, 172, 181, 201.
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17	A bill for An Act to extend and regulate the liability of employers to make compensation for personal injuries or death resulting to employees, either from the employer's negligence or the negligence of some of the employer's other employees, servants or agents	123, 174.
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28	A bill for An Act entitled An Act to prevent the wilful and malicious killing or maiming of live-stock, and the placing of any poisonous substance upon the range or elsewhere, and prescribing punishment	123, 155, 171, 172, 181, 195, 209, 234.
29	A bill for An Act to amend An Act to repeal Sections 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, and 1144 of the Penal Code of the State of Montana, and to provide further protection to birds, fish, fur-bearing animals and game, approved March 8, 1897, as amended by House Bill No. 13, Session of 1901, approved March 14th, 1901	123, 146, 172, 184, 199, 225, 226, 235.
30	A bill for An Act entitled An Act to provide further protection of birds, fish, fur-bearing animals and game, by regulating and restricting the shipping of the same out of the State; by providing for licensed guides and requiring certain non-resident hunters to employ the same, and by requiring taxidermists to secure a license to conduct business, and to provide penalties for violations of this Act	123, 137, 163, 164, 168, 191.
31	A bill for An Act to amend Sections 6, 12 and 14 of An Act entitled "An Act to repeal Sections 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, and 3114, of the Political Code of the State of Montana, and to provide for the appointment of a State Game and Fish Warden, and Deputy Game and Fish Wardens, and Special Deputy Game and Fish Wardens, and defining their powers and duties and providing for their compensation." Approved March 18th, 1901.	167, 183, 195, 207.
32	A bill entitled An Act to amend Section 1892 of Title VI, of Chapter I, of Part II of the Penal Code of the State of Montana, relating to the appointment of counsel in criminal cases and their compensation, where the accused is unable to employ same	123, 158, 186, 195, 208.
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38	A bill for An Act entitled An Act to amend Section 462 of the Code of Civil Procedure, and to confer upon the Supreme Court exclusive jurisdiction of proceedings and prosecutions for the disbarment and suspension of attorneys and counsel at law; to provide for appeals to the Supreme Court from Judgments rendered in District Courts in such cases; to provide for a stay of such judgments pending appeals therefrom, and to regulate the proceedings on the trial of such appeals.....	123, 195, 208, 234.
40	A bill for An Act to amend Sections 3860 and 3866 of Article II, Chapter VIII, Title III, of the Political Code of Montana, relating to the collection of property tax as amended by House Bill No. 49, Session Laws of 1899, also to amend Sections 3867, 3868, 3871, 3872, 3873, and 3808 of Article II, Title III of the Political Code of Montana.....	124, 133, 165.
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41	A bill for An Act entitled An Act to amend Section 1181 of Chapter 2, Part 3, Title 2 of the Political Code of the State of Montana, relating to the qualification of voters	123, 184, 195, 207, 220, 234.
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48	An Act to amend Sections 4811 and 4812 of Article IV of Chapter III, Title III, Part IV, of the Political Code of the State of Montana, relating to the legislative powers of cities and towns.....	167, 178, 183, 195, 207, 222, 234.
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54	An Act to create a State Text-Book Commission for the purpose of adopting and maintaining a uniform series of text books for the public schools of Montana; to regulate the price of same; define duties and powers of the said Commission and appropriating a sum of money named therein for the expenses of said Commission	203, 236, 236, 245, 256, 262, 268, 270, 292.
56	A bill for An Act entitled An Act to amend Sections 1940a and 1940b of the Political Code of Montana, as enacted by the Seventh Legislative Assembly of the State of Montana, approved March 9, 1901, and to re-enact Section 1941 repealed by House Bill No 191 of the Seventh Legislative Assembly, in relation to general and special taxes for school purposes	210.
57	A bill for An Act entitled An Act to provide for the investment of the money in the State Normal School Bond Fund	142, 149, 199, 221, 225, 245, 255.
58	An Act entitled An Act to amend Section 1511 of the Political Code of the State of Montana, by providing qualifications for the members of the State Board of Education	186, 199.
59	A bill for An Act to create in each county of Montana a commission to be known as a County Agricultural Fair Commission, and providing an appropriation from the County Treasury of each County, of the sum of One Thousand Dollars, to be expended by the Commission for County Fair purposes	203, 251, 268, 270, 283.
60	A bill for An Act entitled An Act amending Section 577 of the Civil Code of the State of Montana, relating to State Banks, and providing penalty for false statements, reports or entries in the books thereof	186.
63	An Act to amend Sections 2 and 3 of Senate Bill No. 37 as enacted by the Seventh Legislative Assembly, relating to the election of trustees of the county free high schools	246, 251, 268, 270, 283.
65	An Act to repeal Section 1704 of the Political Code, relating to the duties of the Superintendent of Public Instruction, and to amend Section 1516 of the Political Code, relating to the powers and duties of the State Board of Education.....	186, 199, 221.

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67	An Act permitting school district trustees to use school funds for the purpose of transporting pupils and paying their tuition.....	203, 256, 262, 283.
70	A bill for An Act to compel railway corporations operating in Montana to correctly report delayed passenger trains to the traveling public.....	203, 237, 251, 263, 283.
71	An Act entitled An Act to amend Section 615 of the Code of Civil Procedure, relating to the place of trial of civil actions.....	202, 209, 210, 210, 211, 211, 222.
73	A bill for An Act to be entitled An Act to enable the Normal School Land Grant to be further utilized in providing additional buildings and equipment for the Montana State Normal School	238, 263, 273, 281, 292.
75	An Act entitled An Act to regulate the appropriation of water in streams in which the rights therein have been adjudicated.....	247, 251, 268.
76	A bill for An Act to amend Section 1054 of the Criminal Code of the State of Montana, relating to malicious mischief, by adding to said action another subdivision to be known as 7.....	203, 237, 251, 263, 283.
77	A bill for An Act entitled An Act to provide for the Torrens Land Title System	238, 243, 251.
78	An Act providing for the punishment, by fine or imprisonment, the unlawful or malicious taking down, removing, injuring, interfering with or obstruction of any line or lines erected or maintained for the purpose of transmitting electricity for development of light, heat or power, or any part thereof, or any insulator or cross-arm, appurtenance or apparatus connected therewith, or severing, or in any way interfering with the wire or wires, cables or cable, current or currents thereof, or attempting to do the same, being An Act to amend An Act entitled "An Act to establish a Penal Code," approved February 18, 1895, by adding a new section thereto, to be known as Section 1077	203, 251, 263, 283.
79	A bill for An Act to create the Thirteenth Judicial District of the State of Montana, to be composed of Yellowstone and Rosebud Counties, and providing for the appointment of a Judge thereof, and	

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80	A bill for An Act to amend Sections 860, 861, 862, 863, and 864 of the Civil Code, relating to religious, social and benevolent corporations.....	225, 243, 251, 262, 283.
81	A bill for An Act relating to the licensing of peddlars and canvassers of agricultural and domestic implements and machinery and other articles	225, 234, 242, 243, 248.
82	A bill for An Act to amend Section 4074, Part III, Title X, ChapterI, Article II, of the Political Code of the State of Montana, relating to licenses for express companies	225, 234, 242, 243, 249.
83	A bill for An Act entitled An Act to facilitate the identification of criminals, to regulate the measurement and description thereof, to provide for the indexing and classifying of prisoners and to establish means of defraying expenses of the provisions made hereunder	238, 243, 251, 263, 264.
84	A bill for An Act entitled An Act to protect the range from fires along the right of way of railroads and to provide a penalty for the violation of this Act	203, 237, 251, 262, 283.
87	A bill for An Act entitled An Act to determine the liability of railway corporations in this State for damages to their employees and others in consequence of the negligence of agents, engineers or other employees of such corporation, and to prevent any person or corporation from contracting against any liability created by this Act	276, 280, 282, 284, 292.
88	A bill for An Act to amend Section 908 of Chapter I, Title VIII, Part IV, Division I of the Civil Code of Montana	238, 243, 251, 263, 283.
89	A bill for An Act entitled An Act to appoint the entomologist of the experimental station State Entomologist, and appropriating money to pay his traveling expenses	225, 228, 236, 241, 262.
90	A bill for An Act entitled An Act regulating the carrying of fire arms by Indians while off of the Indian Reservation	277, 280, 281, 282, 283, 284, 292.
91	A bill for An Act to amend Section 4233 of the Political Code of the State of Montana, in relation to county printing	
92	A bill for An Act entitled An Act to amend Section 5117, Part IV, Title III, Chapter VIII, Article II, of the Political Code of the State of Montana, relating to the duties and authority of the trustee of townsites	247, 269, 287, 287, 292.

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95	An Act entitled An Act to provide for apportionment of membership and representation of the several counties of Montana, the House of Representatives of Legislative Assemblies of Montana and to fix the number of members thereof	264, 287.
97	A bill for An Act amending An Act entitled "An Act to authorize the appointment of a Commissioner for the measurement and division of water under decrees of courts in certain cases."	264, 288, 288, 288.
99	A bill for An Act to amend Section 4760 of the Political Code of the State of Montana, relating to vacancies in elective officers of cities.	247, 269, 273, 281.
101	A bill for An Act to amend Section 3828 of the Political Code, relating to liens for personal property tax	264, 268, 273.
102	A bill for An Act to amend Section 4044, Article I, Chapter XIII, Title X, Part III, of the Political Code, relating to suits for the collection of delinquent licenses	276, 281, 282, 283, 284, 292.
103	An Act relating to actions against cities and towns for damages to persons injured on streets and other public grounds by reason of the negligence of any public officer, agent, or employee of any city or town of Montana	277, 281, 282, 283, 284.
104	A bill for An Act to amend Section No. 5039 of the Political Code of Montana, relating to the establishment and maintenance of Free Public Libraries	264, 274.

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3	Relative to dead and fallen timber on the Lewis and Clarke Forest Reserve	142, 149, 213, 225, 226, 235, 255.

HOUSE JOURNAL

FIRST DAY

HOUSE OF REPRESENTATIVES.

Helena, Montana, January 5th, 1903.

Pursuant to law, at the hour of 12 noon, the House of Representatives of the Eighth Legislative Assembly of the State of Montana, was called to order by the Honorable George M. Hays, Secretary of the State of Montana. The roll was called, and the members presented their certificates of election.

Secretary Hays introduced Associate Justice Holloway, who administered the oath of office unto the members present, who duly signed it, as follows:

Allen, W. R.; Arthur, S.; Axtell, F. B.; Bray, C. H.; Bray, W.; Beaudry, L. E.; Benson, F. G.; Bever, C. C.; Brownlee, Robert; Buchanan, P. B.; Burt, G. W.; Cannon, H. S.; Conner, Aaron; Dempster, Charles; Downey, Tim; Duggan, Larry; Dwight, Reuben; Everett, Thos. M.; Farmer, R.; Faust, H. J.; Flaherty, John; Gangner, Fred; Giltinan, H. J.; Graham, Davis; Harrison, W. H.; Hefferlin, Chas. S.; Hilger, David; Hilman, J. R.; Johnson, H. E.; King, E. W.; Lancaster, J. R.; Lanstrum, O. M.; Lehsou, Henry; Liene-mann, Louis; Linderman, F. B.; Lynch, J. H.; Martin, J. E.; Miller, C. B.; Miles, J. H.; Morrissey, J.; Mullins, Pat; McCone, George; MacDonald, D. A.; MacGinniss, John; Noble, Jno. M.; O'Keefe, T. C.; Owen, C. M.; Pearson, Louis; Pelletier, F. J.; Rice, James H.; Sales, W. H.; Self, J. M.; Schwend, J. H.; Shannon, Jos.; Stadler, Louis; Stapleton, Guy W.; Story, Nelson, Jr.; Swindlehurst, T. M.; Sykes, H. M.; Teal, Thomas H.; Tolman, J. N.; Tooley, C. P.; Vagg, H. A.; Webb, J. E.; White, B. F.; Whiteley, W. F.; Williams, D. F.; Wilson, Chas. A.; Wilson, John B.; Wood, Geo. R.; Woodworth George; Word, C. F.

Secretary Hays, by request of the members, called upon W. R. Allen, of Deer Lodge County, to act as temporary chairman.

On motion of Miller, Nathan Godfrey was made temporary clerk.

On motion of MacGinniss, it was ordered that the vote for Speaker be considered as the vote for the balance of the respective caucus nominees.

The nominations for Speaker of the House being now in order, Conner placed in nomination the Hon. B. F. White, of Beaverhead.

Word nominated Martin of Gallatin. Gangner nominated Schwend of Deer Lodge.

Nominations being closed, the roll was called, with the following result:

Those voting for White were as follows:

Messrs. Allen, Bray of Lewis and Clarke, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dwight, Everett, Giltinan, Graham, Harrison, Hefferlin, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Linderman, Miller, Miles, MacDonald, Noble, Owen, Pearson, Rice, Sales, Self, Stadler, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, and Woodworth—42.

Those voting for Martin were as follows:

Messrs. Arthur, Downey, Flaherty, Hilger, Swindlehurst, Wood, Word, and White—8.

Those voting for Schwend were as follows:

Messrs. Axtell, Beaudry, Dempster, Duggan, Farmer, Gangner, Liene-

mann, Lynch, Morrissey, Mullins, MacGinniss, O'Keefe, Pelletier, Shannon, Stapleton, and Whiteley—16.

Schwend voted for Pelletier; Martin voted for Wood.

White having received a majority of all the votes cast, was declared duly elected Speaker of the House.

The Chairman appointed Conner, Rice and Lanstrum to escort Mr. Speaker to the chair.

On motion of Lanstrum the following were placed in nomination as officers and employees of the House:

Aaron Conner, Speaker pro tem.; Nathan Godfrey, Chief Clerk; James A. Shoemaker, Assistant Chief Clerk; Jno. R. Eardley, Journal Clerk; Marsh Race, Sergeant-at-Arms; J. H. McFarland, Asst. Sergeant-at-Arms; Mrs. J. S. Keerl, Engrossing Clerk; Miss Alice MacDonald, Enrolling Clerk; Michael Leahy, Doorkeeper; D. Keenan, Doorkeeper; N. C. Kinney, Day Watchman; B. F. Hooper, Night Watchman; Rev. A. D. Raleigh, Chaplain; Oliver Arnett, Janitor.

Word placed in nomination the following names for officers and employees of the House:

Thos. M. Swindlehurst, Speaker pro tem.; Wm. Muth, Chief Clerk; E. B. Flaherty, Asst. Chief Clerk; Charles Wagner, Sergeant-at-Arms; H. McDonald, Asst. Sergeant-at-Arms; J. B. Rich, Journal Clerk; Estelle E. Zeigler, Engrossing Clerk; Ruth Eccles, Enrolling Clerk; Amos Calvin, Doorkeeper; J. H. Hendricks, Day Watchman; Jos. P. McCarthy, Chaplain.

Pelletier nominated for Speaker pro tem. Shannon.

The list of names presented by Lanstrum, having received a majority of all the votes cast, were declared duly elected as the officers and employees of the House of Representatives.

On motion of Brownlee, a vote of thanks was tendered to the Hon. W. R. Allen, for presiding as temporary chairman. Carried unanimously.

Conners moved that a committee of three be appointed by the Speaker, to notify the Senate that the House is organized and ready for business. Carried.

Mr. Speaker appointed as such committee Lanstrum, MacGinniss and Tolman.

Allen moved that a committee of three be appointed as a committee to act in conjunction with a like committee to be appointed by the Senate, to wait upon the Governor and inform him that the House is organized and ready to receive any communication he may have to make. Carried.

Mr. Speaker appointed as such committee Tolman, Vagg and Martin.

On motion of Swindlehurst, the officers and employees elect were sworn in by Notary Word.

Prayer by the Chaplain.

On motion of Conner the Rules of the House and Joint Rules of the Senate and House of the Seventh Legislative Assembly were adopted temporarily as the Rules of this House, until the Committee on Rules shall report.

On motion of Conner, at 1 o'clock and 20 minutes, the House adjourned until to-morrow, the 6th inst., at 12 o'clock M.

B. F. WHITE,
Speaker.

NATHAN GODFREY,
Chief Clerk.

SECOND DAY

Tuesday, January 6th, 1903.

House met pursuant to adjournment, at 12 o'clock M.

All the members present.

Prayer by the Chaplain.

The minutes of the previous day were read and approved.

Biggs, from the Senate, appeared at the bar of the House, and reported

that the Senate is duly organized and ready for the transaction of business.

The following communications were received from the Senate:

Mr. Speaker:—I am directed by the Senate to inform your Honorable Body that Senators Biggs, Conrow and Maddox have been appointed as a committee to notify the House that the Senate has organized and is ready for business.

Respectfully,

X. K. STOUT, Sec'y."

"Mr. Speaker:—I am directed by the Senate to inform your Honorable Body that Senators Hoffman, Cullen and McLean have been appointed as a committee to notify the Governor that the Senate has organized and is ready for business.

Respectfully,

X. K. STOUT, Sec'y."

REPORT OF SPECIAL COMMITTEE.

"Mr. Speaker:—Your committee appointed to act with a like committee from the Senate, to wait upon His Excellency, the Governor, to inform him that the House is duly organized and ready for business, respectfully report that we have discharged that duty, and that it is the pleasure of the Governor and Senate to meet the House in Joint Assembly, at 12:15 P. M. of this day.

TOLMAN, Chairman."

Conner moved that a committee of three be appointed to invite the Senate to meet the House in Joint Assembly, at 12:15 P. M., to hear His Excellency, the Governor, deliver his message. Carried.

Mr. Speaker appointed as such committee, Allen, Mullins and Bever.

Miller moved that a committee of three be appointed to act with a like committee from the Senate, to escort His Excellency, the Governor, to the Joint Assembly. Carried.

Mr. Speaker appointed as such committee, Miller, MacGinniss and Woodworth.

Allen reported that the special committee appointed to inform the Senate that the House is organized and ready for business, had performed that duty.

JOINT SESSION.

At 12:25 P. M., the Honorable Senate appeared at the bar of the House, and were duly introduced and received, and the Joint Assembly was presided over by the Lieutenant Governor, who introduced His Excellency, the Governor, who proceeded to deliver his message.

Allen, of Deer Lodge, moved that the thanks of the Joint Assembly be tendered the Governor for his delivery of his message. Carried unanimously by rising vote.

On motion of Senator Hoffman the Joint Assembly was dissolved, and the Senators returned to their chamber.

HOUSE RESUMED.

The following communications were received:

"Helena, Montana, 5 Jan., 1903.

To the Speaker of the Montana State House of Representatives:

The trustees of the Helena Public Library wish to extend to the members of the State Legislature, and to the families of members, a cordial invitation to make free use of all the privileges of the public library during the session of the Eighth Legislative Assembly. Very respectfully,

MARY C. GARDNER, Librarian."

Placed on file.

"Helena, Mont., Jan. 5th, 1903.

To the Honorable Speaker and House of Representatives of the State of Montana:

Gentlemen:—The Rocky Mountain Bell Telephone Company present the usual courtesy of the free use of its toll lines to all members of your Honorable Body when called for from the House telephone, or from any one of our public stations. If acceptable, will you kindly furnish this office with the

printed list of your members entitled to use of lines under this privilege.

Yours Truly, H. SOMMERS, Supt. Mont. Div."

On motion of Conner the offer was accepted and thanks of the House ordered returned to Mr. Sommers.

"Helena, January 6th, 1903.

To the Honorable Speaker of the House:

Sir:—I have the honor to transmit herewith a package purporting to contain the papers in the contest case of W. W. McDowell, Charles E. Alsop, Timothy Crowley, J. Bruce Kremer, Daniel J. Hannefan, Jeremiah Henely, J. T. O'Brien, William Hogan, Carl Galegher, E. A. Nichols, Anthony McBride, Geo. R. Brown versus Patrick Mullins, Jas. H. Lynch, John MacGinniss, Robt. W. Farmer, Guy W. Stapleton, Louis Lienemann, Frank B. Axtell, Wm. F. Whitely, Charles W. Dempster, Joseph Shannon, Larry Dugan and Frank J. Pelletier, unopened and as received by this office.

I am, sir, your obedient servant,

GEO. M. HAYS, Secretary of State.

On motion of Miller, referred to Committee on Privileges and Elections, when appointed.

MacGinniss moved to appoint a committee of three, on Rules. Carried. Mr. Speaker appointed as such committee, Cannon, Conner and Word.

Allen moved that when the House adjourns, it do adjourn to meet at 10 o'clock A. M. to-morrow. Carried.

NOTICES OF BILLS.

By Miller: A bill entitled An Act providing for the payment of the expenses of sheriffs for transporting prisoners and insane persons, and for serving processes of courts.

Also: A bill entitled "An Act to consolidate the clerkships of the Board of Pardons, Board of Commissioners for the Insane, Board of State Prison Commissioners and State Board of Equalization, providing for the appointment of a clerk to said boards and fixing his compensation."

Also: A bill entitled "An Act to repeal Section 4064 of the Political Code of the State of Montana relating to licenses."

Also: A bill entitled "An Act to repeal Section 4007 of the Political Code of the State of Montana relating to licenses on professional men."

Also: "A bill entitled "An Act limiting the number of judges of the District Court in certain districts."

By Hilger: Mr. Speaker, "I hereby give notice that on to-morrow, or some subsequent day, I will introduce a bill for an act providing for the submission of a constitutional amendment at the next general election, providing for the Initiative and Referendum."

By Conner: A bill for an act relating to primary elections.

By Stapleton: A bill for an Act providing for the submission to the qualified voters or electors of the State of Montana, an amendment to sections One and Twenty of Article Five of the Constitution of the State of Montana, relating to the Legislative Department.

By Lancaster: A bill providing for an Irrigation Warden.

ELECTION OF PAGES.

Lanstrum moved that the caucus nominees be declared elected, as follows: Guy Allen, Fred Thieme, I. Weisse, Joseph Pierson. Carried.

On motion of Hilger, at 2:30 P. M., the House adjourned until to-morrow at 10 o'clock A. M.

B. F. WHITE,

Speaker.

NATHAN GODFREY,

Chief Clerk.

THIRD DAY

Wednesday, January 7th, 1903.

House met at 10 o'clock A. M., pursuant to adjournment.

Mr. Speaker in the chair.

Roll was called and all the members found present, except MacGinniss.

Prayer by the Chaplain.

The minutes of the previous day were read and approved.

PRESENTATION OF PETITIONS.

The following petition was presented by Lancaster: For a Sunday law. Notices of the introduction of bills were given as follows:

By Self: A bill for an act to amend Section 4590, of Chapter IV, Title II, of Part IV, of the Political Code of the State of Montana, relating to the mileage of all officers.

By Conner: A bill for an act providing for the submission to the qualified electors of the State of Montana for their approval or rejection, an amendment to Section 2, Article IX, of the Constitution of the State of Montana, relative to the right of suffrage.

By Allen: A bill for an act to extend and define the boundaries of Deer Lodge county, and to alter the boundaries of Silver Bow County to conform thereto.

By Beaudry: A bill for an act prescribing the method for organized labor unions to follow after organization.

By Bray of Lewis and Clarke: A bill to amend Sections 550, 551, and 552, of Article fourteen, Chapter three, of the Political Code.

By Schwend: A bill for an act entitled "An Act providing for the submission to the qualified electors of the State of Montana, an amendment to Sections One (1) and Twenty (20), Article V, of the Constitution of the State, relating to the Legislative Department."

By Axtell: A bill amending Article 18 of the Constitution of the State of Montana and adding new sections thereto.

By MacDonald: A bill entitled "An Act appropriating money to erect and equip a school for the feeble minded of the State, according to Sec. 2346 of the Political Code of Montana."

By Morrissey: A bill for an act providing for direct legislation and an amendment to Sections 1 and 20, Article 5 of the constitution of Montana.

By Miles: A bill entitled "An act to change the name of the Montana Deaf and Dumb Asylum from the Montana Deaf and Dumb Asylum to the Montana School for the Deaf and Blind."

By Miller: A bill entitled "An act to amend Section 4602 of the Political Code of the State of Montana, relating to deputies of county officers."

Also: A bill entitled "An act to repeal section 3698 and section 3699 of the Political Code of the State of Montana relating to the Board of Appraisers of real estate."

Also: A bill entitled "An act providing for appeals from the decisions of County Boards of Equalization upon the valuation placed upon property for taxation purposes, and prescribing the procedure in such appeals."

By Cannon: A bill to encourage and aid agricultural associations.

By Brownlee: A bill for an Act to amend Section numbered 801 of the Penal Code of the State of Montana, relating to arson.

By Lanstrum: A bill for an Act to amend Section 602, of Article XVI, Chapter III, Title I, Part III, of the Political Code, relating to the powers and duties of the Board of Medical Examiners.

INTRODUCTION OF BILLS.

The following bills were introduced:

By Miller: H. B. No. 1. A bill for an Act limiting the number of judges of the District Court in certain districts. Placed on file.

By Stapleton: H. B. No. 2. A bill for an Act providing for the submission to the qualified electors of the State of Montana an amendment to Sec-

tions One and Twenty, Article V, of the Constitution of the State of Montana, relating to the Legislative Department. Placed on file.

By Miller: H. B. No. 3. A bill for an Act providing for the payment of the expenses of sheriffs for transporting prisoners and insane persons, and for serving processes of courts. Placed on file.

By Miller: H. B. No. 4. A bill for an Act to repeal Section 4064 of the Political Code of the State of Montana, relating to licenses. Placed on file.

By Miller: H. B. No. 5. A bill for an Act to repeal Section 4072 of the Political Code of the State of Montana, relating to licenses on professional men. Placed on file.

By Miller: H. B. No. 6. A bill for an Act to consolidate the clerkships of the Board of Pardons, Board of Commissioners for the Insane, Board of State Prison Commissioners, and State Board of Equalization; providing for the appointment of a clerk to said Boards and fixing his compensation. Placed on file.

MOTIONS AND RESOLUTIONS.

Giltinan moved that a committee of three be appointed to act with a like committee from the Senate, to arrange for a Postmaster for both houses. Carried.

Mr. Speaker appointed as such committee, Giltinan, Everett and Beaudry.

Conner moved that when the House adjourns to-day, that it adjourn to meet at 2 o'clock P. M. to-morrow, January 8th, 1903. Carried.

Allen offered the following motion:

"I hereby move that a committee of five be appointed by the chair to segregate the various subjects in the Governor's message, and refer them to the several standing committees. Adopted.

Lanstrum moved that a stenographer be appointed to assist the Speaker and Chief Clerk, at a salary of \$8.00 per day, the same to be selected by the Speaker. Carried.

By unanimous consent, Gangner gave notice of the introduction of a bill entitled "An act to provide for the payment of employees semi-monthly, and to prevent the assignment by any employee of any future earnings, and providing a penalty for the violation thereof.

Mr. Speaker appointed the following committee to apportion the Governor's message to the appropriate standing committees, when appointed: Hefferlin, Stapleton, Lanstrum, Linderman and King.

Hilger moved that a special committee of five be appointed on mileage. Carried.

Mr. Speaker appointed as such committee, Hilger, McCone, Vagg, Miles and Dwight.

On motion of Tolman, at the hour of 11 o'clock A. M., the House adjourned.

B. F. WHITE.

Speaker.

NATHAN GODFREY,

Chief Clerk.

FOURTH DAY

Thursday, January 8th, 1903.

House met pursuant to adjournment at 2 o'clock P. M.

Mr. Speaker in the chair.

Roll called and all members were found present.

Prayer by the Chaplain.

The minutes of the previous day were read and approved.

The following messages were received from the Senate:

"Mr. Speaker:—I am directed by the Senate to inform your Honorable Body that: the following is a complete list of the Officers elect of the Sen-

ate: President Pro Tem., W. M. Biggs; Secretary, X. K. Stout; Assistant Secretary, C. E. Woodworth; Sergeant-at-Arms, J. J. Grant; Assistant Sergeant-at-Arms, Thos. P. Sherlock; Journal Clerk, D. J. Whaley; Assistant Journal Clerk, C. B. Taber; Engrossing Clerk, G. W. Richardson; Enrolling Clerk, Mrs. Grace Dyson; Committee Clerks, Miss E. A. Redington, Miss Sara Lowe, Miss Anna McNulty, Mrs. E. B. Thompson; Doorkeepers, James Perkins, J. B. Cain, Alf Hollman; Day Watchman, Con Bray; Night Watchman, Chas. McFarlane; Chaplain, Rev. Walter M. Jordan; Pages, Albert Mickel, Eddie Waite, James Donavon. Respectfully,

X. K. STOUT, Secretary."

"Mr. Speaker:—I am directed by the Senate to inform your Honorable Body that Notice of Introduction of bills was given as follows:

By Anderson: "An act entitled an act to change the name of the Montana Deaf and Dumb Asylum from the Montana Deaf and Dumb Asylum, to the Montana School for the Deaf and Blind, and to amend Section 1330 of the Political Code of the State of Montana."

By Kennedy: "A bill for the creation of a Railroad and Warehouse Commission for the State of Montana."

By McLean: "A bill for an act entitled an act to provide for the appointment by the Supreme Court of three commissioners to be known as Commissioners of the Supreme Court and to appoint a Secretary therefor, to relieve said court from the overburdened condition of its calendar."

By Sherlock: "An act providing for the submission to the qualified electors of the State of Montana, for their approval or rejection, an amendment to Section 2, Article 1, of the Constitution of the State of Montana, relative to the right of suffrage."

Respectfully, X. K. STOUT, Secretary."

"Mr. Speaker:—I am directed by the Senate to inform your Honorable Body that the Senate has appointed a committee of three, consisting of Senators Anderson, Tewey and Durham, to act with a like committee from the House, to arrange for a Postmaster for both houses.

Respectfully, X. K. STOUT, Secretary."

The following communication was received and read:

"Helena, Montana, January 7, 1903.

To the Honorable Members of the House:

We desire to call attention to Section 2385, Political Code of Montana, Article 1, State Library, which says: "During sessions of the Legislative Assembly the members thereof may take books from the library." It will be our pleasure to wait upon the members when you call at the library, or we will send books to you by pages if you will notify us. We trust that you will make the fullest use of the library.

Respectfully LAURA E. HOWEY,

Sec. and Librarian, Historical and Mis. Dept.

Placed on file.

PRESENTATION OF PETITIONS.

Hilman presented a petition regarding the Soldiers Home, from the inmates thereof, which was read and referred to the Committee on State Institutions, when appointed.

NOTICE OF INTRODUCTION OF BILLS.

The following notices were given:

By Tolman: "A bill for an act entitled, An act to define the word estray, and provide a penalty for illegally taking up and selling."

By Dempster: "A bill for an Act to determine the liability of corporations operating railways in this state for damages to employes and others in consequence of the negligence of agents and other employes of such corporations, and to declare void contracts effecting such liability."

Also: "A bill entitled "An act to prohibit blacklisting."

By Faust: "A bill for an act entitled "An act requiring all sales, contracts or leases, wherein the transfer of title or ownership of personal property depend on any condition, to be in writing, acknowledged by the parties

thereto, and filed for record in the county wherein the Vendee or Lessee resides."

By Swindlehurst: "A bill entitled "An act to prevent all persons owning or operating a coal mine on the bank of a stream containing fish or water which is used for domestic purposes, or for irrigation, from depositing coal slack or other refuse from such mine in such stream and for fixing the penalty for failure to comply with the law."

By Linderman: "A bill entitled "An act to amend Sec. 3070, laws of Montana, pertaining to bounties on wild animals."

By Hilman: "An act to amend Section No. 2528 of the Political Code of Montana, pertaining to pensions of the inmates of the Soldiers' Home."

By McCone: "A bill for an Act making appropriation for the incidental expenses of the Eighth Legislative Assembly."

By Self: "A bill entitled an act to amend section 2840 of the Code of Civil Procedure, relating to the establishment of the rights of heirs and other persons to share in the distribution of the estate of decedents."

Also: "A bill entitled "An act to amend Section 1821 of the Code of Civil Procedure, relating to motions and orders."

By Flaherty: "A bill for an act making the education of the deaf and blind of the State of Montana compulsory, and to provide for the enforcement thereof."

By Brownlee: "A bill entitled "An act to prevent the malicious cutting, tearing down, or in any manner interfering with or injuring fences or other enclosures of private lands, and prescribing punishment for the violation thereof."

By Pelletier: "A bill for an act to amend Sec. 4597, Chapter 4, Title 2, Part 4, of the Political Code of Montana, relating to the number of deputies and salaries for such deputies of the Clerk of the District Court and the sheriff."

By Downey: "A bill entitled "An Act to amend Section 2345 of the Political Code of Montana, relative to taking the annual census of the deaf, blind and feeble-minded of the State of Montana."

By Teal: "A bill for an act revising Article 3, Chapter 4, Montana Codes, relating to the Orphans Home."

By Word: "A bill for an act to repeal an act entitled "An act to provide for the publication of occupation license moneys, collected by the county treasurers," approved March 4, 1901."

By Hefferlin: "A bill for an act to appropriate money for payment of mileage and per diem for members of the Eighth Legislative Assembly of the State of Montana, also for the payment of per diem of the officers and attaches thereof."

By Webb: "An act to provide a penalty for taking up, riding and working certain animals, without due authority."

By Pearson: "A bill for an Act to provide for the election of Road Supervisors, to define and regulate their powers and duties, to fix their compensation, and to repeal an act entitled "An act for the establishment of a uniform system of road government and administration in the Counties of Montana," approved March 11th, 1901."

REPORTS OF SPECIAL COMMITTEES.

The following reports were made:

By Giltinan: "We, your committee appointed to act with a like committee of the Senate for the selection of a postmaster, do hereby report that we have met with the Senate committee, at which meeting the joint committee took action, recommending Richard H. Clendennin as their choice for the position, and on motion of Senator Durham it was agreed to designate that \$5.00 per day be the compensation allowed. Very respectfully,

H. J. GILTINAN,
L. E. BEAUDRY,
THOS. M. EVERETT."

Report received and adopted.

By Hefferlin:

"To the Hon. the Speaker and the members of the House of Representatives:

We your committee to whom was referred the matter of the segregation of the Hon. Governor's message beg leave to report as follows:

We recommend that a special committee of seven be appointed to whom shall be referred the matters of the St. Louis Exposition and the Lewis and Clarke Fair and that the said committee be called the committee on Fairs and Expositions.

That to the Committee on Ways and Means be referred all matters relating to, Change in time of payment for state lands, and investment of state funds. Taxation of unpatented mining claims and equal taxation of other property. Collection of personal tax.

That to the Committee on Appropriations be referred all matters relating to the appropriation of money to send prisoners home, and also all other bills for the appropriation of money.

That to the Judiciary Committee be referred all matters relating to separate election of Judges, reduction of number of judges in Lewis and Clarke County, transportation of prisoners, direct vote for United States Senator, Initiative and Referendum, direct nominations at primary elections, controlling of smelter smoke nuisance, fellow servant law, technical amendments to laws relating to County Treasurers' and other officers' bonds.

That to the Committee on Privileges and elections be referred all matters relating to women's suffrage.

That to the Committee on Agriculture and Stock Growing be referred all matters relating to bounty law.

That to the Committee on Mines and Mining be referred all matters relating to the inspection of mines and boilers.

That to the Committee on Townships and Counties be referred all matters pertaining to classification of counties, to regulate salaries, reduction of the number of county officers in smaller counties, to abolishing boards of appraisers.

That to the Committee on Education be referred all matters pertaining to the consolidation of state educational institutions, educational institutions, free text books and contracts for text books, observance of Pioneer day.

That to the Committee on Military Affairs be referred all matters relating to the Militia.

That to the Committee on State Lands be referred all matters pertaining to Torrens Title system.

That to the Committee on Irrigation and Water Rights be referred all matters pertaining to Arid Land Commission.

That to the Committee on State Boards and Officers be referred all matters pertaining to the authorization of the Secretary of State to transfer clerks from one department to another, and State Examiner and his report.

That to the Committee on State Institutions and Public Grounds be referred all matters relating to insurance on Capitol and State buildings and furniture, selling all furniture owned by the state, appointment Prison Chaplain, and building for female prisoners.

That to the Committee on Railroads and Transportation be referred all matters pertaining to railroad mergers and a Railroad Commission.

That to the Committee on Fish and Game be referred all matters pertaining to the protection of fish and game.

That to the Committee on Libraries be referred all matters pertaining to the Law Library.

That to the Committee on Insurance be referred all matters pertaining to Fraternal and other insurance not heretofore mentioned.

We also recommend that a special committee of seven members be appointed, to be called, A Committee on Corporations other than Municipal, and to such committee be referred all matters relating to the domestication of corporations.

Respectfully submitted, S. HEFFERLIN, Chairman.

On motion of Miller the report was adopted.

INTRODUCTION OF BILLS.

The following bills were introduced:

By Miller: H. B. No. 7. A bill for an act providing for appeals from the decision of County Boards of Equalization upon the valuation placed on property for taxation purposes, and prescribing the procedure in such appeals. Placed on file.

By Conner: H. B. No. 8. A bill for an act entitled An act providing for the submission to the qualified electors of the State of Montana, for their approval or rejection, an amendment to Section 2, Art. 9, of the Constitution of the State of Montana, relative to the right of suffrage. Placed on file.

By Bray: H. B. No. 9. A bill for an act to amend Sections 550, 551, and 552, of Article 14, Chapter 3, of the Political Code, relating to the appointment of a Boiler Inspector and his assistant. Placed on file.

By Lanstrum: H. B. No. 10. A bill for an act to amend Sec. 602, of Article 16, Chapter 3, Title 1, Part 3, of the Political Code, relative to the powers and duties of the Board of Medical Examiners. Placed on file.

By Hilger: H. B. No. 11. An act entitled "An act providing for the submission to the qualified electors of the State of Montana, an amendment to Sections One and Twenty, of Article 5, of the constitution of the State of Montana, relating to direct legislation. Placed on file.

By Allen: H. B. No. 12. An act to extend and define the boundaries of Deer Lodge County, and to alter the boundaries of Silver Bow County to conform thereto. Placed on file.

By Miles: H. B. No. 13. A bill for an act entitled "An Act to change the name of the Montana Deaf and Dumb Asylum, to the Montana School for the Deaf and Blind, and to amend Section 2330 of the Political Code of the State of Montana." Placed on file.

MOTIONS AND RESOLUTIONS.

Allen moved that 2,000 copies of the Governor's message be ordered printed for general distribution. Schwend moved, as an amendment, that 4,000 copies be printed. A division being demanded, the amendment was declared lost. Motion carried.

Word offered the following:

"Mr. Speaker: I move that a committee of three be appointed, to act with a like committee from the Senate, with directions to consult with the State Board of Examiners, with a view to securing the establishment of a lunch-counter or a restaurant either in the Capitol building or in some building conveniently near, for the convenience of the members of the Legislature and its employees. Carried.

Mr. Speaker appointed as such committee Word, Giltinan and Benson.

Schwend, by unanimous consent, introduced H. B. No. 14, A bill for an Act providing for the submission to the qualified electors of the State of Montana, an amendment to Sections One and Twenty, Article Five, of the constitution of Montana, relating to the Legislative Department. Placed on file.

Conner moved that when the House adjourns, it do adjourn until 10 A. M. to-morrow. Lost.

Lanstrum moved that when the House adjourns, it adjourn until to-morrow at 2 o'clock, P. M. Carried.

On motion of Allen, at 3 o'clock P. M., the House adjourned until to-morrow.

B. F. WHITE,

Speaker.

NATHAN GODFREY,

Chief Clerk.

FIFTH DAY

Friday, January 9th, 1903.

House met pursuant to adjournment at 2 o'clock P. M.

Mr. Speaker in the chair.

Roll called—all members present, except Downey and Martin, and Mr. Speaker.

Prayer by the Chaplain.

Indefinite leave of absence was granted Downey and Martin.

The minutes of the previous day were read and approved.

The following communications were received from the Senate:

"Mr. Speaker: I am directed by the Senate to inform your Honorable body that Notice of Introduction of bills was given as follows:—

By Meyer: "An act entitled, an Act making the education of the deaf and blind of the State of Montana compulsory, and to provide for the enforcement thereof."

By Conrow: "A bill to amend Section 2345 of the Political Code of Montana, relative to taking the annual census of the deaf, blind and feeble-minded of the State of Montana."

By Albright: "A bill for an act entitled, an act to amend Section 1054 of the Criminal Code of the State of Montana."

By Donlan: "A bill for an act entitled, an act to amend Sections 580 and 581 of the Political Code of the State of Montana relative to Inspector of Mines."

Respectfully,

X. K. STOUT, Secretary."

"Mr. Speaker: I am directed by the Senate to inform your Honorable body that the following Senate Bills were introduced and read first and second time:

S. B. No. 1. By Sherlock: "A bill for an Act entitled an Act providing for the submission to the qualified electors of the State of Montana for their approval or rejection an amendment to Section 2, Article IX, of the constitution of the State of Montana, relative to the right of suffrage."

S. B. No. 2. By McLean: "A bill for an act entitled an Act to provide for the appointment by the Supreme Court of three commissioners to be known as commissioners of the Supreme Court, and to appoint a Secretary therefor, to relieve said court from the overburdened condition of its calendar."

Respectfully,

X. K. STOUT, Secretary."

NOTICES OF INTRODUCTION OF BILLS.

The following notices were given:

By Lanstrum: An Act to amend an Act to amend an Act entitled, An Act to repeal Sections 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143 and 1144 of the Penal Code of the State of Montana, and to provide further protection to birds, fish, fur bearing animals, and game," approved March 14, 1901.

By Bray, of Lewis and Clarke: "A bill entitled, An Act requiring all applications for municipal franchises to be submitted to the voters of the city or town before being granted."

By McCone: "A bill for an act entitled, An Act to amend section 4653, Part 4, Title 2, Chapter 5, of the Political Code of Montana, relative to payment of witnesses in courts not of record, in criminal actions and on coroners' inquests."

By Duggan: "A bill for an act empowering cities and towns to license, regulate or prohibit gambling within the city or town limits or within three miles thereof."

By O'Keefe: A bill for an act to provide for the payment of hospital dues deducted by corporations from employees' wages.

By Vagg: A bill entitled "An Act to amend Section 1510 of the Code of Civil Procedure," relating to the serving of summons.

By Brownlee: "Mr. Speaker: Before introducing the bill, which I have already noticed, on the subject of arson, amendatory to Section 801 of the Penal Code of the State of Montana, I desire to amend the notice heretofore given so as to change the title of the bill I propose introducing to read as follows:

"An Act to amend Section 801 of Chapter 1, Title 13, of Part 1, of the Penal Code of Montana, relating to Arson."

REPORTS OF SPECIAL COMMITTEES.

Cannon, from Committee on Rules and Joint Rules, was granted further time to report.

Hilger offered report on mileage, which was read. On motion of Teal the report was referred back to the committee for correction.

INTRODUCTION OF BILLS.

The following bills was introduced:

By Hilman: H. B. No. 15. An Act to amend Section 2528 of the Political Code of Montana, pertaining to the pensions of the inmates of the Soldiers' Home. Placed on file.

By Hefferlin: H. B. No. 16. A bill for an Act to appropriate moneys for the payment of mileage and per diem for the members of the Eighth Legislative Assembly of the State of Montana, also for the payment of per diem of the officers and attaches thereof. Placed on file.

By McCone: H. B. No. 17. A bill for an Act making appropriations for the incidental expenses of the Eighth Legislative Assembly. Placed on file.

By Brownlee: H. B. No. 18. A bill for an Act entitled "An Act to prevent the malicious cutting, tearing down, or in any other manner interfering with or injuring fences or other enclosures of private lands, and prescribing punishment for the violation thereof. Placed on file.

By Beaudry: H. B. No. 19. An Act relative to persons combining, and encouraging other persons to combine. Placed on file.

By Pelletier: H. B. No. 20. A bill for an Act to amend Sections 4597, Chapter 4, Title 2, Part 4, of the Political Code of Montana, relating to the number of deputies, and salaries for such deputies, of the Clerk of the District Court, and the sheriff. Placed on file.

By Webb: H. B. No. 21. A bill for an Act entitled "An Act to provide a penalty for taking up, riding and working certain animals without due authority. Placed on file.

Hilger, from the Special Committee on mileage, asked leave to report as follows:—

Mr. Speaker: Your Committee on Mileage whose duty it is to ascertain the number of miles traveled by members of the House of Representatives, to and returning from the Capitol, together with the several amounts due said members, beg leave to make the following report:

Allen, W. R.,	To the Capitol and Return,	200 miles,	\$20.00
Arthur, Samuel,	" " "	188 "	18.80
Axtell, F. B.,	" " "	148 "	14.80
Bray, C. H.,	" " "	10 "	1.00
Bray, William,	" " "	706 "	70.60
Beaudry, L. E.,	" " "	200 "	20.00
Benson, F. G.,	" " "	2 "	.20
Bever, C. C.	" " "	476 "	47.60
Brownlee, R.	" " "	422 "	42.20
Buchanan, P. B.	" " "	264 "	26.40
Burt, G. W.	" " "	970 "	97.00
Cannon, H. S.	" " "	986 "	98.60
Conner, Aaron,	" " "	438 "	43.80
Dempster, C. W.	" " "	148 "	14.80
Downey, T. D.	" " "	119 "	11.90

Duggan, L.	"	"	"	148	"	14.80
Dwight, Reuben.	"	"	"	250	"	25.00
Everett, T. M.	"	"	"	526	"	52.60
Farmer, R. W.	"	"	"	148	"	14.80
Faust, J. H.	"	"	"	225	"	22.50
Flaherty, J.	"	"	"	132	"	13.20
Gangner, F.	"	"	"	200	"	20.00
Giltinan, H. J.	"	"	"	258	"	25.80
Graham, D.	"	"	"	250	"	25.00
Harrison, W. H.	"	"	"	336	"	33.60
Hefferlin, C. S.	"	"	"	250	"	25.00
Hilger, D.	"	"	"	420	"	42.00
Hilman, J. R.	"	"	"	968	"	96.80
Johnson, H. E.	"	"	"	40	"	4.00
King, E. W.	"	"	"	420	"	42.00
Lancaster, J. W.	"	"	"	314	"	31.40
Lanstrum, O. M.	"	"	"	44	"	4.40
Lehsou, H. W.	"	"	"	196	"	19.60
Linderman, L.	"	"	"	356	"	35.60
Lienemann, F. B.	"	"	"	148	"	14.80
Lynch, J. H.	"	"	"	148	"	14.80
Martin, J. E.	"	"	"	200	"	20.00
Miller, C. B.	"	"	"	2	"	.20
Miles, J. H.	"	"	"	330	"	33.00
Morrissey, J.	"	"	"	200	"	20.00
Mullins, P.	"	"	"	148	"	14.80
McCone, G.	"	"	"	1000	"	100.00
MacDonald, D. A.	"	"	"	32	"	3.20
MacGinniss, J.	"	"	"	148	"	14.80
Noble, J. M.	"	"	"	986	"	98.60
O'Keefe, T. C.	"	"	"	200	"	20.00
Owen, C. M.	"	"	"	250	"	25.00
Pearson, L. J.	"	"	"	198	"	19.80
Pelletier, F. J.	"	"	"	148	"	14.80
Rice, J. H.	"	"	"	314	"	31.40
Sales, W. H.	"	"	"	180	"	18.00
Self, J. H.	"	"	"	404	"	40.40
Schwend, J. H.	"	"	"	200	"	20.00
Shannon, J.	"	"	"	148	"	14.80
Stadler, L.	"	"	"	2	"	.20
Stapleton, G. W.	"	"	"	148	"	14.80
Story, N. Jr.	"	"	"	200	"	20.00
Swindlehurst, T. M.	"	"	"	250	"	25.00
Sykes, H. N.	"	"	"	1010	"	101.00
Teal, T. H.	"	"	"	396	"	39.60
Tolman, J. N.	"	"	"	533	"	53.30
Tooley, C. P.	"	"	"	284	"	28.40
Vagg, H. A.	"	"	"	703	"	70.30
Webb, J. E.	"	"	"	298	"	29.80
White, B. F.	"	"	"	280	"	28.00
Whiteley, W. F.	"	"	"	148	"	14.80
Williams, D. F.	"	"	"	116	"	11.60
Wilson, C. A.	"	"	"	198	"	19.80
Wilson, J. B.	"	"	"	2	"	.20
Wood, G. R.	"	"	"	198	"	19.80
Woodworth, G.	"	"	"	320	"	32.00
Word, C. F.	"	"	"	2	"	.20

Respectfully submitted,

HILGER, Chairman.

On motion of Webb, the report was adopted.

MOTIONS AND RESOLUTIONS.

Lanstrum moved that Thomas Donnelly be selected as an additional page. Carried.

Duggan, by unanimous consent, gave notice of the introduction of a bill for an Act to prohibit gambling within the State of Montana, and provide penalties for violations of this act, and repealing an act of the Fifth regular session of the Legislative Assembly of Montana, approved March 4th, 1897, and entitled "An act to prohibit gambling within the State of Montana and provide penalties for violations of the provisions thereof, and to provide for the enforcement thereof, and to repeal all laws in conflict with this act, approved March 15, 1901.

An Act to repeal an Act entitled An Act to prohibit gambling within the State of Montana, and provide penalties for violations of this act, and repealing an Act of the Fifth regular session of the Legislative Assembly of Montana, approved March 4, 1897, and entitled An Act to prohibit gambling."

Lanstrum moved that when the House adjourns, it do adjourn until Monday next, the 12th inst., at 2 o'clock P. M. Carried.

On motion of Johnson, the House adjourned at 3 o'clock P. M.

B. F. WHITE,

Speaker.

NATHAN GODFREY,

Chief Clerk.

EIGHTH DAY

Monday, January 12th, 1903.

House met pursuant to adjournment at 2 o'clock P. M.

Mr. Speaker pro tem. in the chair.

Prayer by the Chaplain.

Roll called, and all the members found present except Hefferlin, Miles, Story, and Swindlehurst.

Absent on leave, Mr. Speaker.

Journal of previous day read and approved.

The following communications were received from the Senate:

Mr. Speaker: "I am directed by the Senate to inform your Honorable Body, that:

Notices of Introduction of bills were given as follows:

By: Cullen: A bill for an act to amend sections 4644 and 4646, of Chapter 4, Title 2, Part 4 of the Political Code, relating to the fees of jurors.

By Anderson: A bill entitled "An act to amend section 451 of the Civil Code, relating to the annual reports of corporations.

By Maddox: A bill for an act to extend and regulate the liability of employers to make compensation for personal injuries or death resulting to employees either from the employer's negligence, or the negligence of the employers other employees, servants or agents.

By Donlan: A bill for an act entitled "An act to amend an act entitled "An act creating the office of Inspector of Coal Mines."

By Anderson: A bill entitled "An act to amend sections 3033 and 3039 of the Political Code relating to Sheep Inspectors and their deputies."

Respectfully, X. K. STOUT, Secretary.

Also: Mr. Speaker:—I am directed by the Senate to inform your Honorable Body that the following Senate Bills were introduced:

By Meyer: S. B. No. 3. An act entitled "An act making the education of the deaf and blind of the State of Montana compulsory, and to provide for the enforcement thereof." Read first and second times and referred to Committee on Education.

By Anderson: S. B. No. 4. An act entitled "An Act to change the name of the Montana Deaf and Dumb Asylum to the Montana School for the Deaf and Blind, and to amend Section 2330 of the Political Code of the State of

Montana." Read first and second times, and referred to Committee on Education.

Respectfully, X. K. STOUT, Secretary.

Also: "Mr. Speaker:—I am directed by the Senate to inform your Honorable Body that S. B. No. 2, by McLean, has been referred to the Judiciary Committee.

Respectfully, X. K. STOUT, Secretary.

Also: "Mr. Speaker:—I am directed by the Senate to inform your Honorable Body that the following Standing Committees of the Senate have been selected:

No. 1—AGRICULTURE AND MANUFACTURES—Yegen, Johnson, Ralston, Sherlock, Kelly.

No. 2—MILEAGE—Whipple, Mahon, Albright.

No. 3—CORPORATIONS OTHER THAN MUNICIPAL—Hoffman, Biggs, Cullen, Meyer, Maddox, Anderson, Waite.

No. 4—COUNTIES, TOWNS AND MUNICIPAL CORPORATIONS—Donlan, Tewey, Conrow, Biggs, Durham, Kelly, Albright.

No. 5—EDUCATION—Meyer, Hopkins, Durham, Sherlock, Maddox.

No. 6—ENGROSSED BILLS—Mahon, Durham, Anderson.

No. 7—ENROLLED BILLS—Waite, Whipple, Maddox.

No. 8—FEDERAL RELATIONS—Kennedy, Mahon, Anderson, Albright, Kohrs.

No. 9—FINANCE AND CLAIMS—Cullen, Hoffman, Biggs, McLean, Kohrs, Bourne, Anderson.

No. 10—JUDICIARY—Maddox, Kennedy, Whipple, Hopkins, Brennen, Kelly, Meyer.

No. 11—MILITARY AFFAIRS—Kelly, Ralston, Johnson.

No. 12—MINES AND MINING—Biggs, Hoffman, Tewey, Waite, Meyer.

No. 13—PUBLIC BUILDINGS—Murray, Whipple, Cullen, Donlan, Kelly, Kohrs, McLean.

No. 14—PUBLIC LANDS—Whipple, Murray, Bourne, McLean, Donlan.

No. 15—PUBLIC MORALS—Conrow, Johnson, Brennen.

No. 16—PRINTING—Durham, Yegen, Bourne.

No. 17—ROADS, HIGHWAYS AND BRIDGES—Kohrs, Johnson, Sherlock, Conrow, Hopkins, McLean, Yegen.

No. 18—LIBRARIES—Albright, Kennedy, Ralston.

No. 19—IRRIGATION AND WATER RIGHTS—McLean, Mahon, Hopkins, Hoffman, Murray, Yegen, Waite.

No. 20—FISH AND GAME—Anderson, Tewey, Sherlock.

No. 21—ELECTION AND PRIVILEGES—Cullen, Biggs, Hoffman, Brennen, Anderson.

No. 22—LABOR AND CAPITAL—Tewey, Kennedy, Kohrs, Bourne, Donlan.

No. 23—STOCK GROWING AND GRAZING—Hopkins, Conrow, Murray, Waite, Bourne, Kohrs, Albright.

No. 24—IMMIGRATION—Sherlock, Johnson, Ralston, Albright, Brennen.

No. 25—APPORTIONMENT AND REPRESENTATION—Brennen, Whipple, Conrow, Durham, Maddox.

No. 26—RULES—Hoffman, Cullen, Meyer.

Respectfully, X. K. STOUT, Secretary.

The following communication was received:

"Lambs Club, Helena, Montana, January 11, 1903.

Dr. O. M. Lanstrum—Dear Sir: The board of governors of the Lambs Club request you to kindly make the following announcement in the House: A cordial invitation is extended by the Lambs Club to the members of the House of Representatives to attend a smoker to be given at the club rooms on Wednesday evening, January 14th, 1903, at 8 o'clock.

Yours very truly, F. W. SHARPE, Sec.

On motion of Bray of Lewis and Clarke, the communication was received and read, and the thanks of the House tendered for the invitation.

Hilger by request submitted a petition from the citizens of Fergus County respecting the game laws. Read and placed on file.

Allen submitted a petition from the citizens of French Gulch, Silver Bow County, praying to be attached to Deer Lodge County. Read and placed on file.

NOTICES OF THE INTRODUCTION OF BILLS.

The following notices were given:

By Noble: A bill for an act to amend sections 1210 and 1234 of the Political Code pertaining to registration and voting.

By Webb: A bill for an act entitled "An act to amend section 1201 of the Political Code relating to the appointment of Registry Agents."

By Lanstrum: An act to amend an act to repeal Sections 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113 and 3114 of the Political Code of the State of Montana, and to provide for the appointment of a State Game and Fish Warden, Deputy Game and Fish Wardens, and define their powers and duties, and providing for their compensation, approved March 18, 1901.

Also: A bill for an act to amend section 483, Chapter 11, Title 1, Part 2, of the Code of Civil Procedure, relating to the time of commencing actions for the recovery of real property.

Also: An act to regulate the purchase, sale and transfer of stocks of goods, wares, and merchandise in bulk.

By Stapleton: A bill for an act to amend section 3162 of the Code of Civil Procedure of the State of Montana, relating to witnesses, and repealing all acts or parts of acts in conflict herewith.

By Allen: A bill relating to the bounty on wild bears and mountain lions.

By Miller: A bill for an act to amend an act of the Seventh Session of the Legislative Assembly of the State of Montana, entitled "An act relative to the powers and duties of Justices of the Peace," and fixing their compensation in certain townships, approved March 22nd, 1901.

Also: A bill for an act to amend section 4605 of the Political Code of the State of Montana, relating to the Board of Prisoners and Witnesses.

By McCone: A bill for an act to amend section 688, Title 10, Part 1, of the Penal Code of the State of Montana.

INTRODUCTION OF BILLS.

The following bills were introduced:

By Brownlee: H. B. No. 22. A bill for an act entitled "An act to amend section 801 of Chapter 1, Title 13, of Part 1, of the Penal Code of Montana, relating to arson. Placed on file.

By Miller: H. B. No. 23. A bill for an act to amend section 4062 of the Political Code of the State of Montana, relating to deputies of county officers. Placed on file.

Also: H. B. No. 24. A bill for an act to repeal sections 3698 and 3699 of the Political Code of the State of Montana, relating to the Board of Appraisers of real estate. Placed on file.

By McCone: H. B. No. 25. An act to amend section 4653, Part 4, Title 2, Chapter 5, of the Political Code of Montana, relative to payment of witnesses in courts not of record in criminal actions and on coroner's inquests. Placed on file.

By Downey: H. B. No. 26. An act entitled "An act to amend section 2345 of the Political Code of Montana, relative to taking the annual census of the deaf, blind and feeble minded of the State of Montana. Placed on file.

By Vagg: H. B. No. 27. A bill for an act entitled "An act to amend section 1510 of the Code of Civil Procedure, relating to the serving of summons. Placed on file.

On motion of Brownlee, the House adjourned at 2:40 P. M. until to-morrow at 10 o'clock A. M.

B. F. WHITE,
Speaker.

NATHAN GODFREY,
Chief Clerk.

NINTH DAY

Tuesday, January 13th, 1903.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the Chair.

Roll called, and all members present except MacGinniss.

Prayer by the Chaplain.

Journal of yesterday read and approved.

NOTICES OF INTRODUCTION OF BILLS.

The following notices were given:

By Morrissey: An act entitled "An act to secure the employees the payment of their wages in lawful money of the United States, and prescribing a penalty for the violation thereof."

Also: An act entitled "An act to prohibit any corporation engaged in mining or manufacturing from being interested in any store, shop or scheme for the furnishing of supplies, tools, clothing provisions or groceries, to its employees, and prescribing a penalty for the violation thereof."

REPORTS OF SPECIAL COMMITTEES.

Cannon, from the Committee on Rules and Joint Rules, made the following majority report:

"Helena, Montana, January 12, 1903.

Mr. Speaker: Your Committee on Rules to govern the House of the Eighth Legislative Assembly of the State of Montana, begs leave to submit the following report:

We recommend the adoption of the rules which governed the House of the Seventh Legislative Assembly, with the following amendments, changes and additions, to-wit:

The changes made by your committee are as follows:

Add to Rule VII, page 6, the following:

"And shall have precedence of all the questions except motions to fix the time to which the House shall adjourn, to adjourn, and for a recess."

Add to Rule VIII, relating to committees, the words "The Committee on Rules, Joint Rules and Order of Business, shall consist of the Speaker and four members to be by him appointed."

Change paragraph V, Rule VIII, to read "Agriculture and Horticulture."

Change paragraph 22, Rule 8, to read "Rules, Joint Rules and Order of Business."

Add to committees the following:

31. Fairs and Expositions.

32. Live Stock and Public Ranges.

33. Corporations other than municipal.

Change Rule 9 to read as follows:

"The chairman of each committee shall appoint its clerk, subject to the approval of the majority of the committee, if such clerks are deemed necessary, who shall be paid at the public expense, the house having first provided for such clerk or clerks."

In Rule 10 change order of business to read as follows:

1. Petitions.

2. Notices.

3. Reports of Standing Committees.

4. Reports of Select Committees.

5. Introduction of Bills.

6. Motions and Resolutions.

7. Reading of House Bills, Resolutions and Memorials.

8. Consideration of Messages from the Governor and Senate.

9. Third Reading of House Bills.

10. Third Reading of Senate Bills.

11. Unfinished Business.

Change paragraph 6 of Rules 14, relating to motions, to read as follows: "6. On the motion of any member."

Change Rule 52, relating to when certain committees may report, to read as follows: "The following named committees shall have leave to report at any time, except when questions are being called, or a call of the House is being had, on the matters herein stated; the Committee on Rules and Joint Rules and Order of Business on Rules and Order of Business; the Committee of Enrollment on Enrolled bills, Committee on Ways and Means on bills for raising revenue; the Appropriation Committee on general appropriation bills; the Committee on Privileges and Elections on the rights of members to a seat; Change Rule 67, relating to authority on parliamentary practice, to read as follows:

RULE LXVII.

Authority on Parliamentary Practice.

1. The Rules on Parliamentary Practice comprised in Reed's Rules of Order shall govern the House in all cases in which they are applicable, and in which they are not inconsistent with these rules and orders of the House and the joint rules of the Senate and the House.

2. On questions of orthography, Webster's International Dictionary shall be taken as the standard.

We further recommend that five hundred copies of the Rules of the House, as adopted, be printed for the use of the members and Joint Rules stricken out on mimeograph, when adopted, unless they shall be agreed upon within a few days; all of which is respectfully submitted for approval.

H. S. CANNON, Chairman House Committee on Rules & Joint Rules.

Word, from the same committee, submitted a minority report as follows:

Mr. Speaker: A minority of your Select Committee on Rules begs to report as follows: It recommends that the report of the majority of said Committee on Rules this day presented, be adopted, except as to its recommendations as to Rules LII, and as to this rule, your minority recommends that Rule LII of the Seventh Legislative Assembly be adopted as Rule LII of this Assembly, and except also as to sub-division 1 of Rule LXVII, and as to this rule, your minority recommends that sub-division 1 of Rule LXVII of the Seventh Legislative Assembly be adopted in place thereof.

Respectfully submitted, WORD.

Lanstrum offered the following motion: Lanstrum moves that the majority report of the Committee on Rules and Joint Rules, and their recommendations, be adopted, and that until such a time as the printed copies of the same are ready for distribution, that the rules of the Seventh Legislative Assembly prevail, with the exception of Rule 8 as it relates to the standing committees which shall be interpreted as outlined under the new rules.

Word made the following motion as an amendment: "I move as an amendment that the report of the Committee on Rules be adopted, except as to their recommendations of Rules LII and LXVII, and as to these rules, the rules of the Seventh Legislative Assembly be adopted. The motion was lost.

The motion recurring, upon the adoption of the majority report on Rules and Joint Rules, it was declared adopted.

Word from a special committee reported as follows:

Mr. Speaker: Your select committee appointed to provide for the establishment of a lunch room at the Capitol, beg to report that a room for this purpose has been secured in the boiler house a few hundred feet east of the capitol, and that your committee acting with the Senate Committee appointed for like purposes, has arranged with Mr. Jack Urquhart, of Helena, to take charge of the lunch room. Steps will be taken at once to open the lunch room to the use of members as soon as possible."

Respectfully submitted, WORD, Chairman.

Placed on file.

The following messages were received from the Senate:

"Mr. Speaker: I am directed by the Senate to inform your Honorable

Body that the following bills were introduced and read first and second times:

S. B. No. 5. A bill for an act entitled an act to amend section 2345 of the Political Code of Montana, relative to taking the annual census of the deaf, blind and feeble-minded of the State of Montana.

S. B. No. 6. An act to amend section 451 of the Civil Code relating to annual reports of corporations.

S. B. No. 7. A bill for an act to amend section 3033 and 3039 of the Political Code, relating to Sheep Inspectors and their deputies.

Respectfully,

X. K. STOUT, Secretary."

Also:

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that notice of introduction of bills was given as follows:

By Waite: An act providing for compliance with state banking laws by all banking or other institutions which accept money on deposit in this state, except national banks, and providing for examination into their affairs by the State Examiner, and the character and date of statement required to be made by them.

Respectfully,

X. K. STOUT, Secretary."

INTRODUCTION OF BILLS.

The following bills were introduced:

By Miller: H. B. No. 28. A bill for an act to amend section 4605 of the Political Code of the State of Montana, relating to the Board of Prisoners and witnesses." Placed on file.

By Webb: H. B. No. 29. A bill for an act to amend section 1201 of the Political Code relating to the appointment of Registry Agents. Placed on file.

By MacDonald: H. B. No. 30. A bill for an act entitled "An act making appropriations for the erection and equipment of a school for the feeble-minded of the State of Montana, in accordance with section 2346 of the Political Code of Montana. Placed on file.

By Stapleton: H. B. No. 31. A bill for an act to amend section 3162 of the Code of Civil Procedure of the State of Montana, relating to witnesses, and repealing all acts or parts of acts in conflict herewith. Placed on file.

By McCone: H. B. No. 32. An act to amend section 688, Title 10, Part 1, of the Penal Code of the State of Montana. Placed on file.

By Lanstrum: H. B. No. 33. An act entitled an act to amend section 483, Chapter 2, Title 2, Part 2, of the Code of Civil Procedure relating to the time of commencing action for the recovery of real property. Placed on file.

MOTIONS AND RESOLUTIONS.

By Lanstrum: That the Sergeant-at-Arms be instructed to make a requisition for postage stamps for the use of the members of the House for state purposes. Carried.

On motion of Allen, at 10.45 A. M., the house took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

House re-assembled at 2 o'clock P. M.

Mr. Speaker in the Chair.

Roll called, Quorum present.

On motion of Sales, Story was excused for his absence on yesterday.

Miles was also excused on account of sickness.

Mr. Speaker offered the following communication:

"To the Honorable, the House of Representatives, of the Eighth Legislative Assembly:

I beg leave to report that in accordance with the rules of this body, the following standing committees have this day been appointed:

WAYS AND MEANS.—Lanstrum, Lewis and Clarke, Tolman, Carbon. Hefferlin, Park, Johnson, Broadwater, Brownlee, Sweet Grass, Bever, Yellowstone, Whiteley, Silver Bow, Beaudry, Deer Lodge, Swindlehurst, Park.

APPROPRIATIONS.—Conner, Ravalli, Miller, Lewis and Clarke, Woodworth, Beaverhead, Teal, Madison, Dwight, Missoula, Martin, Gallatin, Sykes, Custer, Farmer, Silver Bow, Giltinan, Meagher.

JUDICIARY.—Self, Missoula, Stapleton, Silver Bow, Word, Lewis and Clarke, Everett, Choteau, Vagg, Valley, Dempster, Silver Bow, Faust, Powell, McCone, Dawson, Brownlee, Sweet Grass.

PRIVILEGES AND ELECTIONS.—Rice, Choteau, Stadler, Lewis and Clarke, Bever, Yellowstone, Teal, Madison, MacGinniss, Silver Bow, Schwenl Deer Lodge, Swindlehurst, Park, Woodworth, Beaverhead, Cannon, Flathead.

AGRICULTURE & HORTICULTURE.—Sales, Gallatin, Flaherty, Jefferson, Lancaster, Ravalli, Williams, Broadwater, Everett, Choteau, Bever, Yellowstone, Owen, Missoula.

EDUCATION.—Story, Gallatin, Pearson, Cascade, Dempster, Silver Bow, Williams, Broadwater, Dwight, Missoula, Tooley, Meagher, Owen, Missoula.

MINES AND MINING.—King, Fergus, Miles, Madison, MacGinniss, Silver Bow, Mullins, Silver Bow, Harrison, Cascade, Bray, Lewis and Clarke, Lehsou, Granite, Allen, Deer Lodge, Linderman, Madison.

TOWNSHIPS & COUNTIES.—Brownlee, Sweet Grass, Teal, Madison, Woodworth, Beaverhead, Lynch, Silver Bow, Schwend, Deer Lodge, Owen, Missoula, Wilson, Cascade, Story, Gallatin, Stadler, Lewis and Clarke.

MILITARY AFFAIRS.—Hilman, Flathead, Miller, Lewis and Clarke, Lienemann, Silver Bow, Bray, Rosebud, Johnson, Broadwater, Owen, Missoula, Benson, Lewis and Clarke.

FEDERAL RELATIONS.—Faust, Powell, Harrison, Cascade, Shannon, Silver Bow, Gangner, Deer Lodge, Tooley, Meagher, Webb, Teton, Arthur, Granite.

APPORTIONMENT & REPRESENTATION.—Allen, Deer Lodge, Cannon, Flathead, Faust, Powell, Downey, Jefferson, MacGinniss, Silver Bow, Rice, Choteau, Harrison, Cascade.

RAILROADS & TRANSPORTATION.—Cannon, Flathead, Sykes, Custer, Hefferlin, Park, Bray, Rosebud, MacDonald, Jefferson, O'Keefe, Deer Lodge, Mullins, Silver Bow, Wood, Cascade, Benson, Lewis & Clarke.

STATE INSTITUTIONS, PUBLIC BUILDINGS & GROUNDS.—Wilson, Lewis & Clarke, Johnson, Broadwater, Teal, Madison, Story, Gallatin, Wood, Cascade, Gangner, Deer Lodge, Farmer, Silver Bow, Hilger, Fergus, Dwight, Missoula.

FISH AND GAME.—MacDonald, Jefferson, Sykes, Custer, Story, Gallatin, Bray, Lewis & Clarke, Beaudry, Deer Lodge, Wood, Cascade, Stapleton, Silver Bow.

AFFAIRS OF CITIES.—Bever, Yellowstone, Hefferlin, Park, Beaudry, Deer Lodge, Wilson, Lewis & Clarke, Duggan, Silver Bow, Martin, Gallatin, Rice, Choteau, Pearson, Cascade, Tolman, Carbon.

RULES AND JOINT RULES.—Webb, Teton, Lanstrum, Lewis and Clarke, McCone, Dawson, Shannon, Silver Bow.

INTERNAL IMPROVEMENTS.—Stadler, Lewis & Clarke, Miles, Madison, Bever, Yellowstone, Shannon, Silver Bow, O'Keefe, Deer Lodge, Swindlehurst, Park, Webb, Teton.

IMPROVEMENTS & MANUFACTURING.—Bray, Lewis & Clarke, Graham, Missoula, Noble, Flathead, Downey, Jefferson, Mullins, Silver Bow.

STATE LANDS.—Tolman, Carbon, Sykes, Custer, Cannon, Flathead, Benson, Lewis & Clarke, Giltinan, Meagher, Hilger, Fergus, Lynch, Silver Bow.

IRRIGATION & WATER RIGHTS.—Everett, Choteau, Sales, Gallatin, Tolman, Carbon, Bever, Yellowstone, Williams, Broadwater, Whiteley, Silver Bow, Flaherty, Jefferson, Lancaster, Ravalli, Woodworth, Beaverhead.

STATE BOARDS & OFFICERS.—Miller, Lewis & Clarke, McCone, Dawson, Everett, Choteau, Lehsou, Granite, Morrissey, Deer Lodge, Mullins, Silver Bow, Self, Missoula.

LABOR.—Graham, Missoula, Wilson, Cascade, Noble, Flathead, Dempster, Silver Bow, Lehsou, Granite, MacDonald, Jefferson, Miles, Madison, Swindlehurst, Park, Beaudry, Deer Lodge.

MILEAGE AND PER DIEM.—Miles, Madison, MacDonald, Jefferson, Whiteley, Silver Bow, Morrissey, Deer Lodge, Buchanan, Cascade.

IMMIGRATION.—Hilger, Fergus, Downey, Jefferson, Hilman, Flathead, Burt, Custer, Duggan, Silver Bow.

PRINTING.—Buchanan, Cascade, Everett, Choteau, Vagg, Valley, Axtell, Silver Bow, Burt, Custer.

ENGROSSMENT.—Wilson, Cascade, Vagg, Valley, Story, Gallatin, Word, Lewis and Clarke, Axtell, Silver Bow.

ENROLLMENT.—Tooley, Meagher, Faust, Powell, Burt, Custer, Arthur, Granite, Pelletier, Silver Bow.

LIBRARIES.—Williams, Broadwater, Wilson, Lewis & Clarke, Rice, Choteau, Dempster, Silver Bow, Schwend, Deer Lodge.

INSURANCE.—Swindlehurst, Park, Cannon, Flathead, Vagg, Valley, Lynch, Silver Bow, Gangner, Deer Lodge.

HIGHWAYS.—Woodworth, Beaverhead, Wilson, Lewis & Clarke, Linderman, Madison, Lancaster, Rayalli, Noble, Flathead, Martin, Gallatin, Whiteley, Silver Bow, Wood, Cascade, King, Fergus.

LIVE STOCK & PUBLIC RANGES.—McCone, Dawson, Tolman, Carbon, Stadler, Lewis & Clarke, Rice, Choteau, Giltinan, Meagher, Buchanan, Cascade, Martin, Gallatin, Flaherty, Jefferson, Hilger, Fergus.

CORPORATIONS OTHER THAN MUNICIPAL.—Linderman, Madison, King, Fergus, Graham, Missoula, Lanstrum, Lewis & Clarke, Beaudry, Deer Lodge, Lynch, Silver Bow, Brownlee, Sweet Grass.

FAIRS & EXPOSITIONS.—Johnson, Broadwater, Miller, Lewis and Clarke, Rice, Choteau, Sales, Gallatin, Hilger, Fergus, Lienemann, Silver Bow, Schwend, Deer Lodge.

WHITE, Speaker.

NOTICES OF INTRODUCTION OF BILLS.

The following notices were given:

By Dwight: A bill entitled an act to prescribe and define the liabilities of persons, receivers or corporations operating railroads or street railways for injuries to their servants and employees; to define who are fellow-servants, and to prohibit contracts between employer and employee, based upon the contingency of the injury or death of the employee; limiting the liability of the employer for damages.

By Lanstrum: A bill for an act to extend and regulate the liability of employers, to make compensation for personal injuries or death resulting to employees, either from the employer's negligence or the negligence of some of the employer's other employees, servants or agents.

By Pelletier: A bill for an act to prohibit the use of deception, misrepresentation, false advertising and false pretensions, and unlawful force in the procuring of employees to work in any department of labor in this state, and fixing penalties, criminal and civil, for the violation thereof.

By Pearson: A bill for an act to make it a misdemeanor for any person or corporation or association of persons, to issue any time checks, due bills, or order not payable before three days from date of same, or any corporation person or association of persons who refuse to pay their employees in legal currency of the United States of America within three days after verbal notice from the employee, and making such misdemeanor punishable by a fine of not less than \$200.00 nor more than \$1,000.00, or imprisonment in the county jail for not less than six months, nor more than one year, or both such fine and imprisonment.

By Schwend: A bill for an act entitled an act to prohibit the employment of minors in the State of Montana, as engineers or motormen, to operate any locomotive or motor using other than steam as motive power, when used in or about any mill, smelter, concentrator, reduction works, or manufacturing establishment of any kind, for the transportation of ore, concentrates, or other material, and to provide penalties for the violation thereof.

Dwight moved that the House refer back to third order of business. Carried.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 1. An act limiting the number of judges of the District Court in certain districts. Read first and second times, and referred to Committee on Judiciary.

H. B. No. 2. An act providing for the submission to the qualified electors of the State of Montana an amendment to sections 1 and 20 Article 5, of the constitution of the State of Montana, relating to the Legislative Department. Read first and second times and referred to Committee on Judiciary.

H. B. No. 3. An act providing for the payment of the expenses of sheriffs for transporting prisoners and insane persons, and for serving process of courts. Read first and second times and referred to Committee on Ways and Means.

H. B. No. 4. An act to repeal section 4064 of the Political Code of the State of Montana, relating to licenses. Read first and second times and referred to Committee on Ways and Means.

H. B. No. 5. An act to repeal section 4072 of the Political Code of the State of Montana, relating to licenses on professional men. Read first and second times and referred to Committee on Ways and Means.

H. B. No. 6. An act to consolidate the clerkships of the Board of Pardons, Board of Commissioners for the Insane, Board of State Prison Commissioners and State Board of Equalization; providing for the appointment of a clerk to said boards, and fixing his compensation. Read first and second times and referred to Committee on State Boards and Officers.

On motion of Tolman, House bills Nos. 7 to 10 were ordered taken up and read.

H. B. No. 7. A bill for an act providing for appeals from the decision of County Boards of Equalization upon the valuation placed on property for taxation purposes, and prescribing the procedure in such appeals. Read first and second times and referred to Committee on Townships & Counties.

H. B. No. 8. A bill for an act entitled an act providing for the submission to the qualified electors of the State of Montana, for their approval or rejection, an amendment to section 2, Article 9, of the constitution of the State of Montana, relative to the right of suffrage. Read first and second times and referred to Committee on Judiciary.

H. B. No. 9. A bill for an act entitled an act to amend sections 550, 551 and 552 of Article 14, Chapter 3, of the Political Code, relating to the appointment of Boiler Inspector and his assistant. Read first and second times and referred to Committee on State Boards and Officers.

H. B. No. 10. A bill for an act to amend section 602 of Article 16, Chapter 3, Title 1, Part 3, of the Political Code, relating to the powers and duties of the Board of Medical Examiners. Read first and second times and referred to the Committee on State Boards and Officers.

Rice, by leave, offered the following:

"I move that six committee clerks be now selected to serve as committee clerks at large, to be at the disposal of such committees as are not deemed of sufficient importance to have their own clerks; and that these six clerks be Bertha Sands, Arthur T. Wright, Grace McNeerney, C. J. Geier, George Lanstrum and Miss Hughes, and said clerks to be under the direction of the Chief Clerk." Schwend arose to a point of order, "that we are still working under the rules of the Seventh Session, which provide that each Chairman shall control the appointment of his own clerk."

Mr. Speaker declared the point of order well taken, and the motion was withdrawn.

On motion of Rice, the House adjourned at 3 o'clock P. M., until 10 o'clock A. M. to-morrow.

B. F. WHITE,
Speaker.

NATHAN GODFREY,
Chief Clerk.

TENTH DAY

Wednesday, January 14th, 1903.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called, all members present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

NOTICES OF INTRODUCTION OF BILLS.

The following notices were given:

By Hefferlin: A bill for an act entitled an act to amend, revise and extend Title VIII, Part IV Division II of the Civil Code relating to Water Rights and Ditches, and to irrigation generally.

Also: A bill entitled an act to amend section 1861 Art. 8, Chapter 3, Title 3, of the Political Code, relative to the course of study in the common schools of Montana.

Also: A bill for an act entitled An Act to govern the adjustment of fire losses by the adjustors of Fire Insurance Companies, prescribing the mode of adjusting the same, and manner of procedure by the adjustors of fire insurance companies with the assured.

By Arthur: A bill entitled "An Act to regulate the lighting and heating of railway passenger coaches."

By Hilger: A bill for an act entitled an act to amend section six (6) and section seven (7) of "An Act to provide for the appointment of a Board of Sheep Commissioners, and to define their powers and duties.", approved March 5th, 1897.

By Giltinan: A bill entitled "An Act to amend an act approved March 4, 1897, entitled "An act to amend sections 490 and 506 inclusive, being all of Article of Chapter 3, Title 1, Part 3, Political Code of Montana, providing for the appointment of a State Examiner and defining his duties and powers."

By Martin: A bill entitled an act to amend section 2728 of Article 10 of the Political Code, concerning the removal of obstructions from highways and repairing bridges.

By Johnson: A bill for an act entitled "An act to amend section 913 of Article 3, Chapter 4, Title 1, Part 3, of the Political Code of the State of Montana", relating to notaries public.

By O'Keefe: An act entitled an act providing for an attorney's fee as a part of the costs in civil actions for the recovery of moneys dues for work or labor done or performed, or services rendered.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 11. A bill for an act entitled An act providing for the submission to the qualified electors of the State of Montana, an amendment to Sections 1 and 20, of Article 5, of the constitution of the State of Montana, relating to direct legislation. Read first and second times and referred to Committee on Judiciary.

H. B. No. 12. An act to extend and define the boundaries of Deer Lodge County, and to alter the boundaries of Silver Bow County to conform thereto. Read first and second times and referred to Committee on Townships & Counties.

H. B. No. 13. A bill for an act entitled an act to change the name of the Montana Deaf and Dumb Asylum from the Montana Deaf and Dumb Asylum to the Montana School for the Deaf and Blind, and to amend section 2330 of the Political Code of the State of Montana. Read first and second times and referred to Committee on State Institutions, Public Buildings and Grounds.

H. B. No. 14. A bill for an act entitled an act providing for the submis-

sion to the qualified electors of the State of Montana an amendment to sections 1 and 20, Article 5, of the constitution of Montana, relating to the Legislative Department. Read first and second times and referred to Committee on Judiciary.

H. B. No. 15. An act to amend section 2528 of the Political Code of Montana, pertaining to the pensions of the inmates of the Soldiers Home. Read first and second times and referred to Committee on Military Affairs.

H. B. No. 16. A bill for an act to appropriate moneys for the payment of mileage and per diem for the members of the Legislative Assembly of the State of Montana, also for the payment of per diem for the officers and attaches thereof. Read first and second times and referred to Committee on Appropriations.

H. B. No. 17. A bill for an act making appropriations for incidental expenses of the Eighth Legislative Assembly. Read first and second times and referred to the Committee on Appropriations.

H. B. No. 18. A bill for an act entitled an act to prevent the malicious cutting, tearing down, or in any other manner interfering with or injuring fences or other enclosures of private lands, and prescribing punishment for the violation thereof. Read first and second times and referred to Committee on Internal Improvements.

H. B. No. 19. An act relative to persons combining and encouraging other persons to combine. Read first and second times and referred to Committee on Corporations other than Municipal.

H. B. No. 20. A bill for an act to amend Section 4597, Chapter 4, Title 2, Part 4 of the Political Code of Montana, relating to the number of deputies and salaries for such deputies. Read first and second times and referred to Committee on Townships & Counties.

H. B. No. 21. A bill for an act entitled an act to provide a penalty for taking up, riding and working certain animals, without due authority. Read first and second times and referred to Committee on Live Stock & Public Ranges.

H. B. No. 22. A bill for an act entitled an act to amend Section 801, of Chapter 1, Title 13, of Part 1, of the Penal Code of Montana, relating to arson. Read first and second times and referred to Committee on Insurance.

H. B. No. 23. A bill for an act to amend Section 4602 of the Political Code of the State of Montana, relating to deputies of county officers. Read first and second times and referred to Committee on Townships & Counties.

H. B. No. 24. A bill for an act to repeal sections 3698 and 3699 of the Political Code of the State of Montana, relating to the Board of Appraisers of real estate. Read first and second times and referred to Committee on Ways & Means.

H. B. No. 25. An act to amend section 4653, Part 4, Title 2, Chapter 5, of the Political Code of Montana, relative to payment of witnesses in courts not of record. Read first and second times and referred to Committee on Townships and Counties.

H. B. No. 26. An act entitled an Act to amend section 2345 of the Political Code of Montana, relative to taking the annual census of the Deaf, Blind and Feeble-Minded of the State of Montana. Read first and second times and referred to Committee on Education.

H. B. No. 27. A bill for an act entitled An Act to amend section 1510 of the Code of Civil Procedure, relating to the serving of summons. Read first and second times and referred to the Committee on Judiciary.

H. B. No. 28. A bill for an act to amend section 4605 of the Political Code of the State of Montana, relating to the board of prisoners and witnesses. Read first and second times and referred to Committee on Townships & Counties.

H. B. No. 29. A bill for an act to amend section 1201 of the Political Code, Session Laws of 1897, page 113, relating to the appointment of registry agents. Read first and second times and referred to Committee on Townships & Counties.

H. B. No. 30. A bill for an act making appropriations for the erection

and equipment of a school for the feeble-minded of the State of Montana, in accordance with Section 2346 of the Political Code of Montana. Read first and second times and referred to Committee on Appropriations.

H. B. No. 31. A bill for an act to amend section 3162 of the Code of Civil Procedure of the State of Montana, relating to witnesses, and repealing all acts or parts of acts in conflict herewith. Read first and second times and referred to Committee on Judiciary.

H. B. No. 32. An act to amend section 688, Title 10, Part 1, of the Penal Code of the State of Montana. Read first and second times and referred to Committee on Internal Improvements.

H. B. No. 33. An act to amend section 483, Chapter II, Part II, Part II, of the Code of Civil Procedure, relating to the time of commencing action for recovery of real property. Read first and second times and referred to Committee on Judiciary.

The following message was received from His Excellency, the Governor: "To the Speaker of the House of Representatives, Helena, Montana.

"I have the honor to transmit herewith estimates of revenue and expenses of the State Government for each of the fiscal years ending November 30, 1903 and 1904, pursuant to the constitution. I deem it proper to state that the increase in the estimates for the maintenance of the State Educational Institutions over the estimates for 1901 and 1902, were submitted to and approved by the State Board of Education at its last meeting. Attention is also called to the fact that claims of the various sheriffs, amounting to \$21,030.10, which have been heretofore transmitted to the House of Representatives, have not been embraced in the item of expense for the reason that they have been disallowed, and hence, are not treated as deficiencies.

If this item is allowed by your Honorable body, it should be added to the total expenses for 1903, which would make the total expense for that year \$762,449.10.

Respectfully,

J. K. TOOLE, Governor."

Also:

"January 13, 1903.

To the Speaker of the House of Representatives, Helena, Montana.

I have the honor to transmit herewith on behalf of the State Board of Examiners sundry deficiency claims against the State of Montana, amounting in the aggregate to \$54,241.07.

Respectfully,

J. K. TOOLE, Governor."

Referred to Committee on Appropriations.

Also:

January 12, 1903.

"To the Speaker of the House of Representatives:—I have the honor to transmit herewith to the House of Representatives the final report of the State Capitol Commission, containing an itemized and classified statement of all expenditures and a list of all vouchers issued, showing to whom and for what purpose they were issued.

Respectfully,

J. K. TOOLE, Governor.

Referred to Committee on State Institutions and Public Buildings.

Also:

"January 12, 1903.

To the Speaker of the House of Representatives:—I have the honor to transmit herewith for the information of the House of Representatives, a letter from Hon. David R. Francis, President of the Universal Exposition Commemorating the acquisition of the Louisiana Territory.

Respectfully,

J. K. TOOLE, Governor."

Referred to Committee on Fairs & Expositions.

Dwight moved the following:—"Mr. Speaker:—I move you that we now suspend the House rules and proceed to the election of seven committee clerks at large, to be under the supervision of the Chief Clerk of the House, to be placed by him at the disposal of such committees as are not deemed of sufficient importance to employ a separate clerk of their own, and that

these clerks be Miss K. M. Hughes of Missoula, Mr. Arthur Wright of Fergus, Miss Minnie Stubblefield of Sweet Grass, Miss Bertha Sands, Miss Grace McNeerney, Mr. G. Lanstrum of Lewis and Clarke, and Miss Mary Tobin of Deer Lodge County.

A division being called for, it was declared, LOST.

On motion of Conner, at 11.50 A. M., the House took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

House re-assembled at 2 o'clock P. M.

Mr. Speaker in the chair.

Roll called.

Quorum present.

The following message was received from the Senate:

"January 13, 1903.

Mr. Speaker:—I am directed by the Senate to inform your Honorable Body that Notices of the Introduction of bills were given as follows:—

By Hoffman: A bill to amend Article 8, Section 1861, Chapter 6, of the Political Code of the State of Montana, relating to the course of study in the Public Schools.

By Anderson: A bill for an act entitled an act to amend section 801 of Chapter 1, Title 13, of Part 1 of the Penal Code of Montana, relating to arson.

By Maddox: A bill for an act to amend Section 2389 of Article 1, Chapter III, Title V, of Part III, of the Political Code of the State of Montana, so far as the same relates to the State Law Library.

By Mahon: A bill for an act entitled an act to prohibit carrying concealed weapons; to provide penalties for violation of the provisions of this act, and to define the meaning of concealed weapons as therein referred to.

Respectfully,

X. K. STOUT, Secretary."

Also:—

"January 13, 1903.

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that the following bills were introduced and read first and second times:—

S. B. No. 8. By Donlan: A bill for an act entitled an act to amend sections 580, 581 and 582 of the Political Code of the State of Montana, relating to the inspection of mines.

S. B. No. 9. By Donlan: An act to amend an act entitled An act creating the office of Inspector of Coal Mines.

Respectfully,

X. K. STOUT, Secretary."

INTRODUCTION OF BILLS.

The following bills were introduced:—

By Morrissey: H. B. No. 34. An act entitled an act to prohibit any corporation engaged in mining or manufacturing from being interested in any store, shop or scheme, for the furnishing of supplies, tools, clothing, provisions or groceries to its employees, and prescribing a penalty for the violation thereof. Placed on file.

By Flaherty: H. B. No. 35. A bill for an act entitled an act making the education of the deaf and blind of the State of Montana compulsory, and to provide for the enforcement thereof. Placed on file.

By Word: H. B. No. 36. A bill for an act to repeal an act to provide for the publication of occupation license moneys, collected by the county treasurers, approved March 4, 1901. Placed on file.

By Dempster: H. B. No. 37. A bill for an act to determine the liability of employers in this state for damages to employes and others. Placed on file.

By Morrissey: H. B. No. 38. An act to secure the employees the payment of their wages in lawful money of the United States, and prescribing a penalty for the violation thereof. Placed on file.

By Gangner: H. B. No. 39. An act entitled an act to provide for the payment of employees semi-monthly, and the place where such payment shall be made; regulating the assignment of wages, and providing a penalty for the violation thereof. Placed on file.

By Pearson: H. B. No. 40. A bill for an act to amend an act for the establishment of a uniform system of road government and administration in the counties of Montana, approved March 11, 1901, and to provide for the election of Road Supervisors, to define and regulate their powers and fix their compensation. Placed on file.

By Faust: H. B. No. 41. A bill for an act requiring all sales, contracts or leases wherein the transfer of title or ownership of personal property depend on any condition to be named in writing, acknowledged by the parties thereto, and filed for record in the county wherein the vendee or lessee resides. Placed on file.

By Dwight: H. B. No. 42. An act to prescribe and define the liability of persons, receivers or corporations operating railroads or street railways for injuries to the servants and employees; to define who are fellow-servants and to prohibit contracts between employer and employee based upon the contingencies of the injury or death of the employee, limiting the liability of the employer for damages. Placed on file.

By Duggan: H. B. No. 43. A bill for an act to repeal an act to prohibit gambling in the State of Montana. Placed on file.

Also: H. B. No. 44. A bill for an act to license, regulate or prohibit gambling in cities or towns or within three miles thereof. Placed on file.

By Swindlehurst: H. B. No. 45. An act to prevent all persons owning or operating a coal mine on the bank of a stream containing fish or water which is used for domestic purposes or for irrigation, from depositing coal slack or other refuse from such mine in such stream, and fixing the penalty for violation thereof. Placed on file.

By Lanstrum: H. B. No. 46. An act to regulate the purchase, sale and transfer of stocks of goods, wares and merchandise in bulk. Placed on file.

MOTIONS AND RESOLUTIONS.

Mr. Self offered the following:

"The necessity having arisen in the Judiciary Committee for a clerk, and the committee having agreed unanimously upon Hattie A. Smith as such clerk, I move that the selection and appointment of Hattie A. Smith be confirmed, and that she be duly employed and paid at the public expense. Carried.

Allen offered the following motion:

"I move that a committee of five be appointed by the Speaker to ascertain the names of committees that require a permanent clerk, and report as soon as possible and also the number of clerks that will be required at large."

Graham moved to amend by providing that such committee consist exclusively of Chairmen of committees. Carried.
The original motion as amended, was carried.

By Lanstrum: "I desire to report on behalf of the Committee on Ways & Means, that they have selected Fred Albrecht as their committee clerk, and ask that said selection be confirmed by the House; and I therefore move, Mr. Speaker, that the selection of Mr. Fred Albrecht, as committee clerk, be confirmed. Carried.

By Miller: "I move that a committee of three be appointed to confer with the Helena Power and Light Company with a view to procure the more frequent running of cars on their lines during the session of the Legislature, for the better accomodation of members." Carried.

Mr. Speaker appointed as Special Committee on Clerks, Allen, Brownlee, Miller of Lewis and Clarke, Cannon and Swindlehurst.

Lynch moved a recess until 3 o'clock P. M. A division being called for upon the recess, it was declared carried.

House resumed at 3 o'clock P. M.

Mr Speaker in the chair.

Stapleton moved that the Sergeant-at-Arms be instructed to obtain from the Secretary of State four copies of the House Journal of the Sixth Session for use of the House. Carried.

Allen, from Special Committee on Employment of Clerks, made the following report:

"Mr. Speaker:—We, your committee appointed to ascertain the number of clerks required for the various standing committees, recommend as follows:

First:—That a permanent clerk be employed by the Ways & Means Committee, Appropriation Committee, Judiciary Committee, and Printing Committee; also that the Committee on Privileges and Elections be allowed a clerk until the contests are determined, then to be assigned to some other committee.

Second:—That the following named committees be given permission to employ one clerk: State Boards & Officers, Townships and Counties, Insurance, Fairs & Expositions.

Third: That the following named committees be allowed one clerk:—Apportionment & Representation, Railroads & Transportation, Libraries, Immigration.

Fourth:—That the following committees be allowed one clerk:—Agriculture & Horticulture, Irrigation & Water Rights, Fish & Game, Live Stock & Public Ranges.

Fifth:—That the following committees be allowed one clerk:—Mines & Mining, Labor, Internal Improvements, Federal Relations.

Sixth:—That the following committees be given permission to employ one clerk:—Improvements & Manufacturing, Education, Military Affairs, State Lands, Highways.

Seventh:—That the following named committees be given permission to employ one clerk: State Institutions, Affairs of Cities, corporations other than Municipal, Rules & Joint Rules, Mileage and Per Diem.

We also recommend that the chairmen of the committees so grouped select the clerk for the committees, with the consent of the members of the various committees.

We further recommend that should any committee require the constant services of a clerk, the chairman shall report to the House.

ALLEN, Chairman.

On motion the report was adopted.

On motion of Word, at 3.30 P. M. the House adjourned until 2 o'clock to-morrow.

B. F. WHITE.

Speaker.

NATHAN GODFREY,

Chief Clerk.

ELEVENTH DAY

Thursday, January 15th, 1903.

House met pursuant to adjournment at 2 o'clock P. M.

Mr. Speaker in the Chair.

Roll called and all members found present.

Prayer by the Chaplain.

Minutes of yesterday read and approved.

Tooley introduced the following:

"Mr. Speaker:—We your committee on enrollment beg to report that said committee has met and duly organized, and selected Fred Johnson, and Miss N. Kirkendall to act as committee clerks, and beg leave to ask that they be endorsed by the House, and our action concurred in. Adopted.

Conner introduced the following:

"Mr. Speaker:—Your committee on Appropriations have selected Miss Mabel Cleland as committee clerk, and respectfully ask that our choice be confirmed and her name placed on the pay roll of the House."

Adopted.

CONNER, Chairman.

Buchanan introduced the following:

"Mr. Speaker:—Your committee on Printing begs leave to report that it is need of the services of a clerk and proof reader, and have selected Mrs. Alice Harriman as clerk and John S. Mills as proof reader, and respectfully ask that the House concur in the appointments made. Adopted.

P. B. BUCHANAN, Chairman Committee on Printing."

Miller introduced the following:

"Mr. Speaker:—The Committees on State Boards & Officers, Apportionment & Representation, Affairs of Cities, and Internal Improvements, have selected George Lanstrum as our clerk, and move the House to ratify our action." Mr. Speaker ruled motion out of order.

Bray of Lewis and Clarke, offered the following:—

"Mr. Speaker:—The following committees have selected Miss Grace Mc-Nerney as their clerk:—Improvements & Manufacturing, Military Affairs, State Lands, Education, and Highways, and I move you that this selection be confirmed by the House." Adopted.

"C. N. BRAY, NELSON STORY, JR., J. R. HILMAN, GEORGE WOOD-WORTH, J. N. TOLMAN."

Linderman offered the following:

"Mr. Speaker:—A majority of the chairmen of the group comprising State Institutions, Affairs of Cities, Corporations other than municipal, Rules & Joint Rules, and Mileage & Per Diem, having agreed upon H. E. Steffins, of Virginia City, as clerk, I move the House endorse such selection." Adopted.

Swindlehurst offered the following:

"Mr. Speaker:—The committees on Insurance, Railroads & Transportation, Libraries, and Immigration, have selected Miss Cecelia Maloney for clerk, and I move you that her appointment be confirmed and that she be paid at the public expense. Adopted.

"SWINDLEHURST, CANNON, WILLAMS, HILGER."

King offered the following:

"I move that the appointment of Miss Kathleen M. Hughes, as committee clerk, for the committees on Mines & Mining, Internal Improvements, Federal Relations, and Labor, be confirmed by this body." Adopted.

By Lancaster: A petition of the citizens of Ravalli upon the Sunday Closing Law. Referred to Committee on Affairs of Cities.

NOTICES OF BILLS.

The following notices were given:

By Giltinan: "Mr. Speaker:—On to-morrow or some subsequent day, I will introduce a bill for an act to amend section 4367, Political Code, relating to the safe keeping of public funds by county treasurers."

By Graham: A bill entitled "An act to amend an act entitled an act to create the State Board of Horticulture, to prescribe its powers and duties, and to appropriate money therefor, approved February 17th, 1899.

By Sales: A bill entitled an act authorizing the County Commissioners of any county to provide public scales at suitable railway stations in the county, providing for capacity thereof, and for the appointment, qualification, duties, compensation and removal of public weighers, and fixing penalty for the issuance of a false certificate by any such public weigher.

By King: A bill entitled an act to amend section 3, of Senate Bill Number 37, An act of the Seventh Legislative Assembly, approved March 14, 1901, amending an act to establish county free high schools and to provide for their maintenance.

By Tolman: A bill entitled A bill for an act to amend sections 2900 and 2902 of the Political Code of the State of Montana.

Also: A bill for an act to provide a penalty for dogging live stock.

By Lanstrum: A bill entitled "An act providing for districting the State into Teachers Institute Districts, creating a Board of Institute Trustees and define the powers and duties of such trustees, fixing time when such institutes shall be held, and providing for the expense of conducting such institutes.

Also: A bill, entitled, "An act providing for the submission to the qualified voters of the State of Montana, of an amendment to section 5, of Article XVI, of the constitution, relating to the election and qualifications of county Superintendents of Schools.

Also: An act to provide for the office of Deputy Superintendent of Public Instruction, and to define the duties, and fix the salary of said officer.

Also: An act entitled "An act to amend section 1511 of the Political Code of the State of Montana, by providing qualifications for the members of the State Board of Education.

Also: An act to amend section 1744 of the Political Code of Montana, relating to the qualification of County Superintendent of Schools.

Miller from special committee reported as follows:

"Mr. Speaker:—Your special committee appointed to confer with the Street Railway Co., with reference to the more frequent running of cars on their line for the accommodation of members, respectfully report that we have performed that duty and find that as the company has no side tracks near the Capitol, it is impracticable to provide special cars to be ready at the time members might desire to return to town; but that they will prepare and post in the House and Senate time cards giving time when cars will pass Capitol, returning, and at the principal hotels similar cards stating time when cars will pass Sixth Avenue and Warren St. going to Capitol." Placed on file.

INTRODUCTION OF BILLS.

The following bills were introduced:

By O'Keefe: H. B. No. 47. A bill for an act providing for an attorney's fee, as a part of the costs, in civil actions for the recovery of money due for work or labor done or performed, or services rendered. Placed on file.

By Dempster: H. B. No. 48. A bill for an act to prohibit blacklisting. Placed on file.

By Martin: H. B. No. 49. An act to amend section 2728 of Article 10 of the Political Code, relating to the removal of obstructions from highways or roads, and repairing bridges. Placed on file.

By Hilger: H. B. No. 50. A bill for an act entitled an act to amend sections 6 and 7 of an act to provide for appointment of a Board of Sheep Commissioners, and to define their powers and duties, approved March 5, 1897. Placed on file.

By Johnson: H. B. No. 51. A bill for an act entitled an act to amend section 913, of Article 3, Chapter 6, Title 1, Part 3, of the Political Code of the State of Montana, relating to notaries public. Placed on file.

By Giltinan: H. B. No. 52. Proposed amendment to the State Examiner law, as per the report of State Examiner to the Governor, 1902. Placed on file.

By Tolman: H. B. No. 53. A bill for an act entitled an act to define the word "estrays," and provide a penalty for the taking up, using or disposing of estrays upon the public domain. Placed on file.

By Hefferlin: H. B. No. 54. An act to amend section 1861, Article 8, Chapter 6, Title 3, of the Political Code, relative to the course of study in the common schools of Montana. Placed on file.

By Axtell: H. B. No. 55. A bill for an act entitled an act providing for the submitting to the electors of the State of Montana, for their approval or rejection, amendments to Article 18 of the constitution of the State of Montana, relating to labor, by adding thereto six new sections. Placed on file.

By Miller: H. B. No. 56. A bill for an act to amend an act of the Seventh Legislative Assembly of the State of Montana, entitled an act relative to the powers and duties of Justices of the Peace, and fixing their compensation in certain townships, approved March 22, 1901. Placed on file.

By Bray of Lewis and Clarke: H. B. No. 57. A bill for an act entitled

an act relating to the granting of franchises by cities and towns, and providing for the submission of the question granting any franchises." Placed on file.

By Noble: H. B. No. 58. A bill for an act to amend an act of the Fifth Legislative Assembly of the State of Montana, entitled an act to amend chapter 3, Title 2 of Part 2, of the Political Code, by repealing sections 1224 to 1233, inclusive; by adding sections 1201 to 1208, inclusive, 1210 to 1216 inclusive, and by amending sections 1209 and 1234 relating to the registration of voters, approved March 9, 1897. Placed on file.

MOTIONS AND RESOLUTIONS.

Bever offered the following:

"I move that the Sergeant-at-Arms be instructed to furnish a blackboard and easel to be placed in a conspicuous place for posting up committee meetings." Carried.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 34. An act entitled an act to prohibit any corporation engaged in mining or manufacturing from being interested in any store, shop or scheme for the furnishing of supplies, tools, clothing, provisions or groceries to its employees, and prescribing a penalty for the violation thereof. Read first and second times, and referred to Committee on Corporations other than Municipal.

H. B. No. 35. A bill for an act entitled an act making the education of the deaf and blind of the State of Montana compulsory, and to provide for the enforcement thereof. Read first and second times, and referred to Committee on Education.

H. B. No. 36. A bill for an act to repeal an act to provide for the publication of occupation license moneys collected by the county treasurers, approved March 4, 1901. Read first and second times, and referred to Committee on Ways & Means.

H. B. No. 37. A bill for an act to determine the liability of employers in this state for damages to employees and others. Read first and second times, and referred to Committee on Labor.

H. B. No. 38. An act to secure the employees the payment of their wages in lawful money of the United States and prescribing a penalty for the violation thereof. Read first and second times, and referred to Committee on Labor.

H. B. No. 39. An act entitled an act to provide for the payment of employees semi-monthly, and the place where such payment shall be made; regulating the assignment of wages and providing a penalty for the violation thereof. Read first and second times, and referred to Committee on Labor.

H. B. No. 40. A bill for an act to amend an act for the establishment of a uniform system of road government and administration in the counties of Montana, approved March 11, 1901, and to provide for the election of Road Supervisors, to define and regulate their powers, and fix their compensation. Read first and second times, and referred to Committee on Highways.

H. B. No. 41. A bill for an act requiring all sales, contracts or leases wherein the transfer of title or ownership of personal property depends on any condition, to be named in writing, acknowledged by the parties thereto, and filed for record in the county wherein the vendee or lessee resides. Read first and second times, and referred to Committee on Judiciary.

H. B. No. 42. An act to prescribe and define the liability of persons, receivers or corporations operating railroads or street railways for injuries to their servants and employees, to define who are fellow-servants and to prohibit contracts between employer and employee based upon the contingency of the injury or death of the employee, limiting the liability of the employer for damages. Read first and second times, and referred to Committee on Labor.

H. B. No. 43. A bill for an act to repeal an act prohibiting gambling in

the State of Montana. Read first and second times, and referred to Committee on Affairs of Cities.

H. B. No. 44. A bill for an act to license, regulate or prohibit gambling in cities or towns, or within three miles thereof. Read first and second times, and referred to Committee on Affairs of Cities.

H. B. No. 45. An act to prevent all persons owning or operating a coal mine on the banks of a stream containing fish or water which is used for domestic purposes or for irrigation from depositing coal slack or other refuse from such mine in such stream, and fixing the penalty for violation thereof. Read first and second times, and referred to Committee on Fish & Game.

H. B. No. 46. An act to regulate the purchase, sale and transfer of stocks of goods, wares and merchandise in bulk. Read first and second times, and referred to Committee on Judiciary.

The following messages were received from the Senate:

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that notices of the introduction of bills were given as follows:

By Kelly: A bill for an act to prohibit and adequately punish the wilful and malicious destruction of fences.

By Waite: A bill for an act entitled an act to prevent the wilful and malicious killing or placing of any poisonous substance upon the range or elsewhere with intent to kill or injure live stock of another, and prescribing punishment for the violation thereof.

By Whipple: A bill for an act to amend sub-division 16, of section 1797, relating to public schools.

Respectfully,

X. K. STOUT, Secretary."

Also: "Mr. Speaker:—I am directed by the Senate to inform your Honorable body that the following bills were introduced and read first and second times:

S. B. No. 10. By Maddox: A bill for an act to amend section 2389 of Article 1, Chapter 3, Title 5, of Part 3, of the Political Code of the State of Montana, so far as the same relates to the State Law Library.

S. B. No. 11. By Mahon: A bill for an act entitled an act to prohibit unlawful carrying of concealed weapons, to provide penalties for violation of this act and to define the meaning of the term "concealed weapons."

S. B. No. 12. By Cullen: A bill for an act to amend sections 4644 and 4646, chapter 4, Title 2, Part 4, of the Political Code, relating to the fees of jurors.

S. B. No. 13. By Anderson: A bill for an act entitled an act to amend section 801 of Chapter 1, Title 13, of Part 1, of the Penal Code of Montana, relating to arson.

Respectfully,

X. K. STOUT, Secretary."

On motion of Conner, at 3.40 P. M., the House adjourned to meet on tomorrow at 10 o'clock A. M.

B. F. WHITE,
Speaker.

NATHAN GODFREY,
Chief Clerk.

TWELFTH DAY

Friday, January 16th, 1903.

House met pursuant to adjournment, at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—all members present.

Prayer by the Chaplain.

Conner moved that the reading of the journal be dispensed with this morning. Carried.

REPORTS OF STANDING COMMITTEES.

Conner, from the Committee on Appropriations, reported as follows:

"Mr. Speaker:—Your committee on Appropriations, to whom was referred House bill No. 16, a bill for an act to appropriate moneys for the payment of mileage and per diem for the members of the Eighth Legislative Assembly of the State of Montana, and also for the payment of per diem of the officers and attaches thereof, herewith report same back with the recommendation that it do pass."

Also: "Mr. Speaker:—Your committee on appropriations to whom was referred House bill No. 17, a bill for an act to appropriate moneys for the incidental expenses of the Eighth Legislative Assembly of the State of Montana, respectfully report same back with the recommendation that it do pass."

H. B. Nos. 16 and 17 referred to Printing Committee.

REPORTS OF COMMITTEES.

The following reports were made:—

By Wilson: Mr. Speaker:—We, your committee on Engrossment, beg leave to report that we have selected as clerks Miss Minnie S. Bowers and Mr. A. G. Bossuth, and we recommend that said selection be concurred in by the House." Adopted.

By Miller:—"The committees on State Boards & Officers, Townships & Counties, Apportionment, and Fairs & Expositions, have selected George Lanstrum as our clerk, and I move the House to ratify the appointment." Carried.

INTRODUCTION OF BILLS.

The following bills were introduced:

By Giltinan: H. B. No. 59. An act to amend section 4367, Political Code, relating to the safe keeping of public funds by county treasurers. Placed on file.

By Tolman: H. B. No. 60. A bill for an act to provide a penalty for dogging live stock. Placed on file.

By Sales: H. B. No. 61. A bill for an act entitled an act authorizing the county commissioners of any county to provide public scales at suitable railway stations in the county, providing for capacity thereof, and for the appointment, qualification, duties, compensation, and removal of public weighers, and fixing the penalty for the issuance of a false certificate by any such public weigher. Placed on file.

By King: H. B. No. 62. A bill for an act to amend section 3 of Senate Bill number 37, an act of the Seventh Legislative Assembly, approved March 14, 1901, amending an act to establish county free high schools, and to provide for their maintenance. Placed on file.

By Graham: H. B. No. 63. An act to amend an act entitled, an act to create the State Board of Horticulture, to prescribe its powers and duties, and to appropriate moneys therefor, approved February 17, 1899. Placed on file.

By Lanstrum: H. B. No. 64. An act to amend section 1744 of the Political Code of Montana, relating to the qualifications of county Superintendents of Schools. Placed on file.

Also: H. B. No. 65. An act providing for the submission, to the qualified voters of the State of Montana, of an amendment to section 5, of Article 16, of the constitution, relating to the election and qualification of County Superintendents of Schools. Placed on file.

Also: H. B. No. 66. An act entitled, an act to amend section 1511 of the Political Code of the State of Montana, by providing qualifications for the members of the State Board of Education. Placed on file.

Also: H. B. No. 67. An act providing for districting the State into Teachers Institute districts, creating a Board of Institute Trustees, and define

the powers and duties of such trustees, fixing the time when such Institutes shall be held, and for providing for the expense of conducting such institutes. Placed on file.

Also: H. B. No. 68. An act to provide for the office of Deputy Superintendent of Public Instruction, and to define the duties and fix the salary of said officer. Placed on file.

King moved the following resolution:

"Mr. Speaker:—I move you that the Chief Clerk be instructed to employ Arthur Wright, of Fergus County, as bill clerk, and that he be paid at the public expense." Carried.

Bever introduced House Memorial and Joint Resolution No. 1, relating to the Crow Reservation. Read and referred to Committee on State Lands.

READING OF HOUSE BILLS.

The following bills were taken from the files:

H. B. No. 47. Read first and second times, and referred to Committee on Judiciary.

H. B. No. 48. Read first and second times, and referred to Committee on Labor.

H. B. No. 49. Read first and second times, and referred to Committee on Highways.

H. B. No. 50. Read first and second times, and referred to Committee on Live Stock and Public Ranges.

H. B. No. 51. Read first and second times, and referred to Committee on Judiciary.

H. B. No. 52. Read first and second times, and referred to Committee on State Boards & Officers.

H. B. No. 53. Read first and second times, and referred to Committee on Live Stock and Public Ranges.

H. B. No. 54. Read first and second times, and referred to Committee on Education.

H. B. No. 55. Read first and second times, and referred to Committee on Judiciary.

H. B. No. 56. Read first and second time, and referred to Committee on Townships and Counties.

H. B. No. 57. Read first and second times, and referred to Committee on Affairs of Cities.

H. B. No. 58. Read first and second times, and referred to Committee on Privileges and Elections.

MESSAGES FROM THE SENATE.

The following messages were received:

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that Notices of Introduction of Bills were given as follows:

By Ralston: A bill to amend sections 3 and 4 of Senate Bill number 37, approved March 14, 1901, in the Seventh Legislative Assembly entitled an act to amend sections 2, 3, 4, 6, 8, 11, 12, 13, 14, 16, 17, 19, and to repeal sections 21 and 22 of substitute for House Bill number 69, and an act to establish county high schools, and to provide for their maintenance, approved March 3, 1899, and to re-number certain sections of said act, and to amend said sections 3 and 4, with relation to the appointment and election of County Free High School Trustees.

S. B. No. 18. An act to authorize the construction and use by railway companies, at grade crossings of two or more railway tracks of interlocking plants, signal stations, or other devices approved by the County Commissioners of the county wherein such structures are to be used, or by the district court for said county, for the safe transfer of locomotives, cars and trains, from one track to another, without stopping, and to repeal section 908 of division, part 4, title 8, chapter 1. of the Civil Code of Montana."

Also, the following Senate bills were introduced and read first and second times:

S. B. No. 14. By Hoffman: A bill for an act entitled an act to amend article 8, section 1861 chapter 6, of the Political Code of the State of Montana.

S. B. No. 15. By Whipple: A bill for an act entitled an act to amend sub-division 15, of section 1797, of the Political Code, as amended by Session Laws of 1901, relating to public schools.

S. B. No. 16. By Kelly: A bill for an act to prohibit and adequately punish the wilful and malicious destruction of fences.

S. B. No. 17. By Maddox: A bill for an act to extend and regulate the liability of employers to make compensation for personal injuries or death resulting to employees, either from the employer's negligence, or the negligence of some of the employer's other employees, servants or agents."

Respectfully,

X. K. STOUT, Secretary."

On motion of Allen, at 11.15 A. M. the House took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

House re-assembled at 2 o'clock P. M.

Mr. Speaker in the chair.

Roll called, Quorum present.

Everett, by leave, reported as follows:

"Mr. Speaker:—The chairmen of your committees on Irrigation & Water Rights, Agriculture & Horticulture, Live Stock & Ranges, and Fish & Game, beg to report that they have met and appointed as clerk of said committees Mrs. Laura A. McIntosh, and ask that her appointment be approved by the House." Adopted.

Respectfully submitted,

EVERETT,
SALES,
McCONE,
MacDONALD,
Chairmen."

Lanstrum, by leave, offered the following:

"Resolved that the State Auditor be and is hereby requested to present to this House a statement as to the assessable value of franchises granted by the state, counties and cities, for the purpose of agreeing upon a proper basis and schedule of taxation. Carried.

Conner moved to adjourn until Monday at 10 o'clock A. M. Motion Lost.

Swindlehurst moved to adjourn until Monday next at 2 o'clock P. M. Carried.

B. F. WHITE,
Speaker.

NATHAN GODFREY,
Chief Clerk.

FIFTEENTH DAY

Monday, January 19th, 1903.

House met pursuant to adjournment at 2 o'clock P. M.

Mr. Speaker in the chair.

Roll called, all members present except Burt, Duggan, Hefferlin, Martin, Story and Swindlehurst.

Prayer by the Chaplain.

Minutes of the eleventh and twelfth days read and approved.

Gangner was excused from attendance until the next session.

NOTICES OF BILLS.

The following notices were given:

By Hilman: A bill for an act enlarging the powers of the Board of

Managers of the Montana Soldiers Home, admitting the wives of inmates who were married at the time the Home was established, to the privileges of the Home according to such rules as the Board may prescribe, and appropriating money for the erection of a house for their accommodation.

By Noble: A bill for an act to prevent the shooting of human beings by persons in pursuit of game and game birds.

By Woodworth: A bill for an act authorizing and directing the State Board of Land Commissioners of the State of Montana to invest all moneys in the State Normal School fund, and to purchase and redeem bonds outstanding against such fund.

By Benson: A bill to amend section 2603 of the Code of Civil Procedure relating to the presentation of claims against estates.

By Dempster: An act entitled an act to amend section 1920 of the Political Code of the State of Montana, relating to the compulsory attendance of school children.

By Linderman: A bill entitled an act appropriating to J. M. Page the sum of Six Hundred and Eighty-five and 84-100 Dollars for services rendered the State of Montana, as State Land Agent, from August 7th, 1897, to October 25th, 1897, inclusive.

By Cannon: A bill for an act to amend section number 1123 of the Penal Code of the State of Montana, relating to the dumping of refuse in streams.

By Lanstrum: A bill for an act entitled an act in relation to the assessment of franchises and privileges granted by the State, counties, cities and towns of the State of Montana.

By Bray of Lewis and Clarke: A bill to amend section 2610 of the Code of Civil Procedure, relating to the presentation of claims against estates.

By Dempster: An act to amend section 1930 of the Political Code of Montana, relating to the employment of City Superintendent of Schools.

By Miller: A bill for an act to amend section 4220 of the Political Code of the State of Montana, relating to the sessions of the Boards of County Commissioners.

By Beaudry: An act entitled an act providing for the submission to the electors of the State of Montana, for their approval or rejection, an amendment to section 15, Article 8, of the constitution of the State of Montana, relating to appeals from the District Court to the Supreme Court.

By Bray of Lewis and Clarke: A bill to amend section 636 of the Code of Civil Procedure, relating to the service of summons in civil actions.

By Flaherty: A bill for an act to amend section 1 of an act of the Seventh Legislative Assembly, entitled an act to amend sections 1, 2, 3 and 4 of an act of the Sixth Legislative Assembly, entitled an act to protect the owners of horses, and to cause the inspection of same.

By Tolman: A bill for an act to amend section 3070, section 3071 and section 3076, Article 8, Chapter 5, Title 7, Part 3, of the Political Code, relating to the payment of bounty on wild animals.

By Self: A bill entitled an act to amend section 615 of the Code of Civil Procedure, relating to the place of trial of civil actions.

By Dwight: A bill entitled an act appropriating money for the completing, furnishing, and equipping of certain buildings for the University of Montana, at Missoula, Montana.

By Conner: A bill for an act entitled an act to amend section 1181, Chapter 2, Part 3, Title 2, of the Political Code of the State of Montana, relating to the qualifications of voters.

By Rice: An act to amend section 1910 of the Political Code, as amended by the Seventh Legislative Assembly, and approved March 14, 1901, and to amend sections 1911 and 1912, of the Political Code, as amended by the Fifth Legislative Assembly, and approved March 4, 1897, and sections 1913, 1914 and 1915 of the Political Code, relating to teachers' examinations and certificates.

By Duggan: A bill for an act entitled an act to compel street railway companies to protect certain of their employees from the inclemencies of the weather.

By Rice: An act to amend section 1820 of the Political Code of Montana, relating to the qualifications of teachers.

REPORTS OF STANDING COMMITTEES.

The following reports were made:

By Tolman: "Mr. Speaker:—Your committee on State Lands to whom Joint Memorial No. 1, relative to the cession of the northerly part of the Crow Indian Reservation to the United States, was referred, respectfully report the same to the House with the recommendation that it do pass." Report received and Memorial referred to Printing Committee.

By Self: "Mr. Speaker:—Your committee on Judiciary to whom was referred H. B. No. 27, introduced by Vagg, entitled an act to amend section 1510 of the Code of Civil Procedure, beg leave to report that they have examined the same, and recommend that it be amended and as amended that said bill be passed." On motion of Tooley the report was adopted, and bill referred to Printing Committee.

By Brownlee: "Mr. Speaker:—We, your committee on Townships & Counties, have had under consideration H. B. No. 20, a bill for an act to amend section 4597, Chapter 4, Title 2, Part 4, of the Political Code of the State of Montana, relating to the number of deputies and salaries of such deputies of the Clerk of the District Court and the sheriff, beg leave to report same back, and recommend that it be indefinitely postponed." On motion of Brownlee the report was adopted and bill indefinitely postponed.

By Brownlee: "Mr. Speaker:—Your committee on Townships & Counties have had under consideration H. B. No. 7, and beg to report the same back and recommend that it be indefinitely postponed." On motion of Miller, the report was adopted, and bill indefinitely postponed.

By Self: "Mr. Speaker:—Your committee on Judiciary to whom was referred H. B. No. 41, recommend the further consideration thereof be indefinitely postponed, for the reason that the subject-matter thereof is fully covered by S. B. No. 91 of the Sixth Legislative Assembly." On motion of King the report was adopted and bill indefinitely postponed.

Also: Mr. Speaker: Your committee on Judiciary to whom was referred H. B. No. 46 recommend that the further consideration thereof be indefinitely postponed. On motion of Connor the report was adopted and bill indefinitely postponed.

Also: "Mr. Speaker:—A majority of your committee on Judiciary to whom was referred H. B. No. 47, beg leave to report that they have examined the same, and recommend that the further consideration thereof be indefinitely postponed."

By Dempster: "Mr. Speaker:—I, a minority of your Committee on Judiciary, to whom was referred H. B. No. 47, recommend that it do pass." Stapleton moved that the majority report be adopted. A division being called for on the question, the majority report was adopted, and bill indefinitely postponed. Minority report was lost.

By Self:—"Mr. Speaker:—Your committee on Judiciary to whom was referred H. B. No. 51, beg leave to report that they have examined the same, and recommend that sub-division 5 of said bill be amended so as to read as follows: "To provide and keep an official seal upon which must be engraved the name of this state and the county for which the notarial commission was issued, the words "Notarial Seal," with the surname of the notary," and at least the initials of his Christian, and as amended, that it pass." On motion of Miller, the report was adopted, and bill referred to Printing Committee.

By Lanstrum: "Mr. Speaker:—Your Committee on Ways & Means to whom H. B. No. 24 was referred, respectfully report the same back to the House with the recommendation that it do pass." Bill referred to Committee on Printing.

By Buchanan: "Mr. Speaker:—Your Committee on Printing beg leave to report House Bills Nos. 16 and 17 as correctly printed."

INTRODUCTION OF BILLS.

The following bills were introduced:

By Lanstrum: H. B. No. 69. A bill for an act to extend and regulate

the liability of employers to make compensation for personal injuries or death, resulting to employee, either from the employer's negligence or the negligence of some of the employer's other employees, servants or agents. Placed on file.

By Arthur: H. B. No. 70. A bill entitled an act to regulate the lighting and heating of railway passenger coaches. Placed on file.

Rice offered the following:

"Mr. Speaker:—Your committee on Privileges & Elections have selected as their Committee Clerk, Bertha Sands, and respectfully ask that she be confirmed by this body." Adopted.

Conner offered the following:

Resolved that His Excellency, Governor Toole, be and he is hereby requested to transmit to this body for its information any and all reports of the State Arid Land Commission up to and including December 31, 1902. Adopted.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 59. Read first and second times, and referred to Committee on Ways & Means.

H. B. No. 60. Read first and second times, and referred to Committee on Live Stock & Public Ranges.

H. B. No. 61. Read first and second times, and referred to Committee on Townships & Counties.

H. B. No. 62. Read first and second times, and referred to Committee on Education.

H. B. No. 63. Read first and second times, and referred to Committee on Agriculture & Horticulture.

H. B. No. 64. Read first and second times, and referred to Committee on Education.

H. B. No. 65. Read first and second times, and referred to Committee on Judiciary.

H. B. No. 66. Read first and second times, and referred to Committee on State Boards & Officers.

H. B. No. 67. Read first and second times, and referred to Committee on Ways & Means.

H. B. No. 68. Read first and second times, and referred to Committee on State Boards & Officers.

H. B. No. 69. Read first and second times, and referred to Committee on Labor.

H. B. No. 70. Read first and second times, and referred to Committee on Railroads & Transportation.

The following messages were received from the Senate:

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that the following Senate Bills were introduced and read first and second times:

S. B. No. 19. By Albright: A bill for an act entitled an act to amend section 1054 of the Penal Code of the State of Montana.

Also: That Notices of the Introduction of bills were given as follows:

By Donlan:—An act entitled an act to provide two free university scholarships in each county of the State of Montana.

By Whipple: A bill for an act to provide for investment of permanent school and other land grant funds."

Respectfully,

X. K. STOUT, Secretary "

A communication was received from the Governor relating to bounties on wild animals, accompanied by vouchers. Referred to Committee on Live Stock & Public Ranges.

On motion of Conner the House resolved itself into a Committee of the Whole, Conner in the chair.

The House resumed, Mr. Speaker in the chair.

Conner from Committee of the Whole reported that had had under con-

sideration House bill number 16, and reported the same back with recommendation that it do pass; also House Bill number 17, and report that they have amended the same by inserting the enacting clause, and recommend that, as amended, it do pass. Report adopted.

On motion of Conner House Bill number 16 was considered engrossed, read third time and passed by the following vote:

Ayes: Allen, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Cannon, Conner, Dempster, Downey, Duggan, Dwight, Everett, Farmer, Faust, Flaherty, Giltinan, Graham, Harrison, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Linderman, Lynch, Miller, Miles, Morrissey, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pearson, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker 66.

Nays: None.

Miller moved that when the House do adjourn it adjourn to meet at 10 o'clock to-morrow. Carried.

The rules were suspended and order No. 3 referred back to.

Wilson of Cascade reported House Bill No. 17 as correctly engrossed.

On motion of Conner, the rules were further suspended, and House Bill number 17 was read third time and passed by the following vote:

Ayes:—Arthur, Axtell, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Cannon, Conner, Dempster, Downey, Duggan, Dwight, Farmer, Faust, Flaherty, Giltinan, Graham, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienaman, Linderman, Lynch, Miller, Miles, Morrissey, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pearson, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Story, Sykes, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis & Clarke, Wood, Woodworth, Word and Mr. Speaker—61.

Nays: None.

On motion of Conner, at 4:35 P. M., the House adjourned.

B. F. WHITE,
Speaker.

NATHAN GODFREY,
Chief Clerk.

SIXTEENTH DAY

Tuesday, January 20, 1903.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called, and all members present except McCone, Tooley, Whiteley and Williams.

Absent on leave, Gangner. Prayer by the Chaplain.

Journal of yesterday read and approved.

The following communication was received:

"Helena, Montana, Jan. 19th, 1903.

"To the Honorable House of Representatives of the Eighth Legislative Assembly of the State of Montana.

Gentlemen:—A cordial invitation is extended to the members of your Honorable body to attend the Sixth Annual Charity Ball, to be given on the evening of Thursday, January 22nd, at the Auditorium in the City of Helena, under the auspices of Helena Lodge No. 193, Benevolent and Protective Order of Elks. This is the principal social event of the year, and all the proceeds are to be given away by the Lodge to worthy charities. Your generous patronage is respectfully solicited. The price of tickets has been fixed at Three Dollars, and they may be procured from the Chief Clerk or his assistants.

Very Respectfully,

GEORGE A. JEFFERY, Exalted Ruler.

GEORGE B. CHILD, Chairman Executive Com."

On motion of Beaudry, the invitation was accepted and thanks returned for same.

NOTICES OF BILLS.

The following notices were given:

By Hefferlin: A bill for an act entitled "An act giving landlords a lien upon crops grown upon the demised premises for the rent of such premises."

By Word: A bill for an act to prescribe the method of the publication of the laws of the Legislative Assemblies of the State of Montana."

By Benson: A bill regulating and prescribing the conditions upon which foreign corporations may do business in this state, and to repeal senate bill number 46, approved March 9, 1901.

REPORTS OF STANDING COMMITTEES.

The following reports were made:

By Faust: "Mr. Speaker:—Your committee on Judiciary to whom was referred House bill No. 31, introduced by Stapleton, entitled an act to amend an act approved February 19, 1897, entitled an act to amend section 3162 of the Code of Civil Procedure of the State of Montana, relating to witnesses, beg leave to report that they have examined the same and recommend that it be amended, and as amended that it pass."

By Brownlee: "Mr. Speaker:—We your committee on Townships and Counties have had under consideration House Bill number 28, a bill for an act to amend section 4605 of the Political Code of the State of Montana, relating to the Board of Prisoners and Witness, and beg to report same back, and recommend that it be indefinitely postponed." Miller moved that the bill be referred to the Committee on Printing. Brownlee moved as an amendment that the report of the committee be adopted. The ayes and nays being called for on the amendment, the roll was called with the following result.

Ayes:—Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Brownlee, Conner, Dempster, Dwight, Flaherty, Giltinan, Graham, Harrison, Hilger, Johnson, King, Lehsou, Linderman, Lynch, Martin, Miles, Mullins, McCone, MacGinniss, Owen, Pearson, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Williams, Wilson of Cascade, Wood, Woodworth, Word,—42.

Nays:—Beaudry, Benson, Bever, Buchanan, Cannon, Downey, Duggan, Everett, Farmer, Faust, Hefferlin, Hilman, Lancaster, Lanstrum, Line-mann, Miller, Morrissey, MacDonald, Noble, O'Keefe, Whiteley, Wilson of Lewis and Clarke, and Mr. Speaker,—23.

Bill indefinitely postponed.

INTRODUCTION OF BILLS.

The following bills were introduced:

By Beaudry: H. B. No. 71. An act entitled an act providing for the submission to the electors of the State of Montana, for their approval or rejection, an amendment to section 15, Article 8, of the constitution of the State of Montana, relating to appeals from the District Court to the Supreme Court. Placed on file.

By Hefferlin: H. B. No. 72. An act to amend, revise, and extend Title 8, Part 4, Division 2, of the Civil Code relating to water rights and water ditches, and to irrigation generally. Placed on file.

By Conner: House Bill No. 73. An act entitled an act to amend section 1181 of Chapter 2, Part 3, Title 2, of the Political Code of the State of Montana, relating to the qualifications of voters. Placed on file.

By Hilman: H. B. No. 74. A bill for an act enlarging the powers of the Board of Managers of the Montana Soldiers Home, admitting the wives of inmates who were married at the time the Home was established, to the privileges of the Home, according to such rules as the Board may prescribe, and appropriating money for the erection of a house for their accommodation. Placed on file.

By Cannon: H. B. No. 75. A bill for an act to amend section 1123 of the Penal Code of the State of Montana, relating to the dumping of refuse in streams. Placed on file.

By Woodworth: H. B. No. 76. A bill for an act providing for the investment of moneys in the Normal School Bond Fund, and authorizing the State Board of Land Commissioners to purchase and redeem outstanding bonds against such fund. Placed on file.

By Bray of Lewis and Clarke: H. B. No. 77. An act to amend section 636 of the Code of Civil Procedure, relating to the service of summons in civil actions. Placed on file.

Also: H. B. No. 78. An act to amend section 2610 of the Code of Civil Procedure, relating to the presentation of claims against estates. Placed on file.

By Benson: H. B. No. 79. An act to amend section 2603 of the Code of Civil Procedure, relating to the presentation of claims against estates. Placed on file.

By Dempster: H. B. No. 80. An act entitled an act to amend section 1920 of the Political Code of the State of Montana, relating to the compulsory attendance of school children. Placed on file.

Also: H. B. No. 81. An act to amend section 1930 of the Political Code of Montana, relating to the employment of City Superintendents of Schools. Placed on file.

By Flaherty: H. B. No. 82. A bill for an act to amend section 1 of an act of the Seventh Legislative Assembly, entitled an act to amend sections 1, 2, 3 and 4 of an act of the Sixth Legislative Assembly, entitled an act to protect the owners of horses, and to cause the inspection of same. Placed on file.

By Rice: H. B. No. 83. An act to amend section 1840 of the political Code of Montana, relating to the qualifications of teachers. Placed on file.

Also: H. B. No. 84. An act to amend section 1910 of the Political Code, as amended by the Seventh Legislative Assembly, and approved March 14, 1901, and to amend sections 1911 and 1912 of the Political Code as amended by the Fifth Legislative Assembly, and approved March 4, 1897, and sections 1913, 1914 and 1915 of the Political Code, relating to teachers' examinations and certificates. Placed on file.

READING OF HOUSE BILLS.

The following bills were taken from the files:

H. B. No. 71. Read first and second times, and referred to Committee on Judiciary.

H. B. No. 72. Read first and second times, and referred to Committee on Irrigation and Water Rights.

H. B. No. 73. Read first and second times, and referred to Committee on Elections and Privileges.

H. B. No. 74. Read first and second times, and referred to Committee on Appropriations.

H. B. No. 75. Read first and second times, and referred to Committee on Internal Improvements.

H. B. No. 76. Read first and second times, and referred to Committee on State Boards & Officers.

H. B. No. 77. Read first and second times, and referred to Committee on Judiciary.

H. B. No. 78. Read first and second times, and referred to Committee on Judiciary.

H. B. No. 79. Read first and second times, and referred to Committee on Judiciary.

H. B. No. 80. Read first and second times, and referred to Committee on Education.

H. B. No. 81. Read first and second times, and referred to Committee on Affairs of Cities.

H. B. No. 82. Read first and second times, and referred to Committee on Live Stock and Public Ranges.

H. B. No. 83. Read first and second times, and referred to Committee on Education.

H. B. No. 84. Read first and second times, and referred to Committee on Education.

MESSAGES FROM THE SENATE & GOVERNOR.

The following messages were received:

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that notices of the introduction of bills were given as follows:

By Maddox: A bill for an act to amend chapter 2, Title 1, Part 4, of Division 1, of the Civil Code, by adding thereto a section to be numbered 512 to provide for making the capital stock of corporations whose capital stock is subject to assessment, non-assessable.

By Maddox: A bill for an act to amend section 1897 of Part 2, Title 14, Chapter 7, of the Code of Civil Procedure, relating to the extension of the time within which an act is to be done.

By Whipple: A bill for an act to provide for the semi-annual payment of taxes.

By Donlan: An act to provide that all graduates of the University of Montana, who have taken at least one year in the department of psychology and methology, shall be entitled to teach in the public schools of Montana, without further examination.

By Donlan: An act to amend section 5030, Part 6, Title 3, Chapter 2, of Political Code of Montana.

Also that:

The following Senate bills were introduced and read first and second times:

S. B. No. 20. By Whipple: A bill for an act entitled an act to provide for the investment of and to require the State Board of Land Commissioners to invest the Permanent School Fund, Permanent University Fund, Permanent Agricultural College Fund, and imposing duties on state, county, city and school district officers in connection therewith, and repealing an act of the Seventh Legislative Assembly of the State of Montana, approved March 16, 1901, entitled an act entitled an act to authorize and provide for the investment of the permanent School Fund, permanent University Fund and other land grant funds held by the State Treasurer of the State of Montana, and to authorize the State Treasurer, with the advice and consent of the State Board of Land Commissioners, to make such investments.

S. B. No. 21. By Donlan: An act to provide two free University scholarships in each county of the State of Montana.

S. B. No. 22. By Ralston: A bill for an act entitled an act to amend sections 3 and 4 of Senate Bill number 37, approved March 14, 1901, in the Seventh Legislative Session, entitled an act to amend sections 2, 3, 4, 6, 8, 11, 12, 13, 14, 16, 17, 19, and to repeal sections 21 and 22 of substitute for House Bill No. 69, an act to establish county Free High Schools, and to provide for their maintenance, approved March 3, 1899, and to renumber certain sections of said act.

Respectfully,

N. K. STOUT, Secretary."

A communication was received from the Governor, relating to certain unpaid claims, with accompanying vouchers. Referred to Committee on Appropriations.

On motion of Cannon, at 11.45 A. M., the House took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

House re-assembled at 2 o'clock P. M.

Mr. Speaker in the Chair.

Roll called, Quorum present.

Miller moved to reconsider the vote by which House bill number 7 was indefinitely postponed, on yesterday. Carried.

On motion of Miller, House bill number 7 was referred to the Committee on Printing.

Wilson, of Lewis and Clarke, resigned the Chairmanship of the Committee on State Institutions.

Mr. Speaker appointed Pearson to fill the vacancy.

On motion of Lanstrum, at 2.15 P. M., the House adjourned until tomorrow at 10 o'clock A. M.

B. F. WHITE,
Speaker.

NATHAN GODFREY,
Chief Clerk.

SEVENTEENTH DAY

Wednesday, January 21, 1903.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called, and all members present.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

COMMUNICATIONS AND PETITIONS.

Swindlehurst presented a petition from the citizens of Park County, relating to the dumping of coal slack and other refuse in streams containing fish. Referred to Committee on Fish & Game.

NOTICES OF BILLS.

The following notices were given:

By Whiteley:—A bill governing the sale of prison made goods in the State of Montana.

By Self: A bill for an act to provide security to the public against errors, omissions, and defects in abstracts of title to real estate, and for the use of abstracts of title in evidence.

Also: A bill for an act to amend section 3680, of Chapter II, of Title X, of Part III, of the Political Code of the State of Montana, relating to the revenue of the state and definition of terms.

By Pearson: A bill entitled "An act to amend section 2661 of Article II, Chapter I, Title VI, of Part IV, of the Civil Code of the State of Montana, relating to service."

By Sales: A bill for an act appropriating money for the erecting and equipping of additional buildings for the Montana Agricultural College and Experiment Station at Bozeman, Montana.

By Conner: A bill for an act entitled "An act to amend an act providing for Farmers Institutes, and making an appropriation therefor," approved March 14, 1901.

REPORTS OF STANDING COMMITTEES.

The following reports were made:

By Conner:—"Mr. Speaker:—Your committee on Appropriations, to whom was referred House Bill No. 74, beg leave to submit the following report:

Amend Section 2 by striking out the figures \$1500.00 and inserting the figures \$2000.00; and recommend that the bill as amended do pass." Bill referred to Committee on Printing.

By Graham: "Mr. Speaker:—Your Committee on Labor to whom was referred House Bill No. 48, introduced by Dempster, recommend that the further consideration thereof be indefinitely postponed." On motion of Story the report was adopted and bill indefinitely postponed.

By McCone:—"Mr. Speaker:—Your Committee on Live Stock and Public Ranges having had under consideration House Bill No. 50, a bill for an act entitled an act to amend sections six and seven of an act to provide for the appointment of the Board of Sheep Commissioners, and to define their powers and duties, beg leave to report the same back to the House with a recommendation that it be passed." Bill referred to Committee on Printing.

By MacDonald:—"Mr. Speaker:—Your committee on Fish & Game to whom House Bill No. 45 was referred, respectfully report the same to the House with the recommendation that it do pass." Bill referred to Committee on Printing.

By Lanstrum: "Mr. Speaker:—Your Committee on Ways & Means to whom was referred House Bill No. 59, an act to amend section 4367 of the Political Code, relating to the safe keeping of public funds by county treasurers, respectfully report the same back to the House with the recommendation that it do pass." Bill referred to Committee on Printing.

By Miller: "Mr. Speaker:—We, your committee on State Boards and Officers, have had under consideration House Bill No. 10, a bill to amend section 602, of Article 16, Chapter 3, Title 1, Part 3, of the Political Code, relating to the powers and duties of the Board of Medical Examiners; and recommend that it be amended by striking out, "and such other branches as the Board may deem advisable," in line 18 of Section 1, and recommend that, as amended, the bill do pass." Report adopted and bill referred to Committee on Printing.

By Story:—"Mr. Speaker:—Your Committee on Education, to whom was referred House Bill No. 54, relative to the course of study in the common schools of Montana, respectfully report same back to the House with the recommendation that it do pass." Bill referred to Committee on Printing.

By Rice: "Mr. Speaker:—Your committee on Privileges and Election, to whom was referred the petition presented by the contestants to the seats of the members in Silver Bow County, beg leave to report that we have considered said petition and that we have passed upon the objection raised by the contestees in this contest, viz: that under the statutes the contest is not legally before the legislature and we now beg leave to report as follows:

First, that we have decided, after having legal argument from each side, that this contest is legally before this assembly.

Second, we recommend that the petition submitted by the contestants be read at length." On motion of Allen, the report was adopted.

INTRODUCTION OF BILLS.

The following bills were introduced:

By Benson:—H. B. No. 85. Regulating and prescribing the conditions upon which foreign corporations may do business in this state, and to repeal Senate Bill No. 46, approved March 9th, 1901. Placed on file.

By Linderman: H. B. No. 86. A bill for an act entitled an act to appropriate to J. M. Page the sum of Six Hundred and Eighty-five and 84-100 Dollars, for services rendered the State of Montana as State Land Agent from August 7th, 1897, to October 25th, 1897, inclusive. Placed on file.

By Miller: H. B. No. 87. A bill for an act to amend section 4220 of the Political Code of the State of Montana, relating to the sessions of Boards of County Commissioners. Placed on file.

By Word:—H. B. No. 88. A bill for an act entitled an act prescribing the method of publication of the laws of the Legislative Assemblies of the State of Montana. Placed on file.

By Dwight: H. B. No. 89. An act entitled an act appropriating money for completing, furnishing and equipping certain buildings for the University of Montana at Missoula, Montana. Placed on file.

By Hefferlin: H. B. No. 90. A bill for an act entitled an act giving landlords a lien upon crops grown upon the demised premises for the rent of such premises. Placed on file.

By Noble: H. B. No. 91. A bill for an act entitled an act to prevent the shooting of human beings by persons in the pursuit of game and game birds. Placed on file.

By Duggan: H. B. No. 92. A bill for an act to compel street railway companies to protect certain of their employees from the inclemencies of the weather." Placed on file.

By Self: H. B. No. 93. A bill for an act to amend section 1821 of the Code of Civil Procedure, relating to motions and orders. Placed on file.

Also:—H. B. No. 94. A bill for an act to amend section 4500 of Chapter 4, Title 2, Part 4, of the Political Code of the State of Montana, relating to the mileage of all officers. Placed on file.

Also: H. B. No. 95. A bill for an act to amend section 2840 of the Code of Civil Procedure relating to the establishment of the rights of heirs and other persons to share in the distribution of the estate of decedents. Placed on file.

MOTIONS AND RESOLUTIONS.

The following were introduced:

By Conner: Be it Resolved by the House of Representatives of the State of Montana, That the Committee on Privileges and Elections of the House be, and it is hereby authorized and empowered and directed to thoroughly investigate, ascertain and report to the House, with its recommendation thereon, all of the facts, circumstances and conditions involved in or connected with the right and title of all representatives from Silver Bow County to seats in this body.

And for any and all purposes relating to such investigation, said Committee is authorized to send for persons and papers, examine witnesses, inspect ballot boxes, ballots, stamps and records, and in the discretion of the Committee to hold sessions in Silver Bow County for such or any of such purposes, as a committee or through a sub-committee.

The Chairman or presiding officer of said committee, or any sub-committee thereof, shall be, and is hereby empowered to administer oaths in connection with such investigation."

By Lanstrum: As an amendment to the motion, Lanstrum moves that the time for taking testimony in this contest be limited to two weeks, and the money expended to \$1500.00. The amendment was lost.

A call of the roll being demanded, upon the original resolution, it was adopted by the following vote:

Ayes: Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Downey, Dwight, Everett, Faust, Flaherty, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hillman, Johnson, King, Lancaster, Lanstrum, Lehsou, Linderman, Martin, Miller, Miles, McCone, MacDonald, Noble, Owen, Pearson, Rice, Sales, Self, Stadler, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Webb, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, and Mr. Speaker—53.

Nays:—Beaudry, Gangner, Morrissey, O'Keefe, Schwend, Word—6.

The Silver Bow delegation was excused from voting, by their own request.

On motion of Conner, at 11.50 A. M. the House took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

House re-assembled at 2 o'clock P. M.

Mr. Speaker in the Chair.

Roll Called—Quorum present.

MOTIONS AND RESOLUTIONS.

The following were offered:

By King: "Whereas, it appears that no Joint Rule of the Senate and House have been adopted, and that such rules are necessary for the proper and regular conduct of business between said Houses, therefore,

BE IT RESOLVED, that the standing Committee on Rules & Joint Rules of this House be and they are hereby directed to act with the standing committee of the Senate on Rules & Joint Rules, and prepare and report to

each their respective houses such Joint Rules as may seem to be required herein.

That the Senate be requested to take such action as may be necessary in order to carry out this suggestion.

KING."

On motion of Story, the resolution was adopted.

By Brownlee: "Mr. Speaker: We, your committee on Townships & Counties have voted unanimously to elect a clerk for said committee, and have selected Miss Minnie Stubblefield, and ask the concurrence of the House." On motion of Owen the selection was adopted.

READING OF HOUSE BILLS.

The following bills were taken from the files:

H. B. No. 85. Read first and second times, and referred to Committee on Corporations other than Municipal.

H. B. No. 86. Read first and second times, and referred to Committee on Appropriations.

H. B. No. 87. Read first and second times, and referred to Committee on Townships and Counties.

H. B. No. 88. Read first and second times, and referred to Committee on Judiciary.

H. B. No. 89. Read first and second times, and referred to Committee on Appropriations.

H. B. No. 90. Read first and second times, and referred to Committee on Judiciary.

H. B. No. 91. Read first and second times, and referred to Committee on Judiciary.

H. B. No. 92. Read first and second times, and referred to Committee on Railroads and Transportation.

H. B. No. 93. Read first and second times, and referred to Committee on Judiciary.

H. B. No. 94. Read first and second times, and referred to Committee on Ways & Means.

H. B. No. 95. Read first and second times, and referred to Committee on Judiciary.

MESSAGES FROM THE SENATE.

The following messages were received:—

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that House Bills numbers 16 and 17 were read third time and concurred in, and are herewith transmitted to the House."

Respectfully,

X. K. STOUT, Secretary."

House Bills numbers 16 and 17 were referred to the Committee on Enrollment.

Also: "Mr. Speaker:—I am directed by the Senate to inform your Honorable body that the following Senate Bills were introduced and read first and second times:

S. B. No. 23, By Murray: A bill for an act to amend sections 1652 and 1656 of Chapter 5, Title 3, Part 3, of the Political Code of Montana, relating to the State Normal School.

S. B. No. 24, By Maddox: A bill for an act to amend section 1897 of Part 2, Title 14, Chapter 7, of the Code of Civil Procedure of Montana, relating to the extension of the time within which an act is to be done.

S. B. No. 25, By Maddox: A bill for an act to amend Chapter 2, Title 1, Part 4, of Division 1, of the Civil Code, by adding thereto a section to be numbered 512, to provide for making the capital stock of corporations whose capital stock is subject to assessment, non-assessable.

S. B. No. 26. By Donlan: An act to provide that all graduates of the University of Montana, who have taken at least one year in the department of Psychology and Methodology, shall be entitled to teach in the public schools of Montana without further examinations.

S. B. No. 27, by Donlan: An act to amend section 5030, Part 4, Title 3, Chapter 2, of the Political Code of Montana, relating to closing of streets.

The following House Bills were introduced and read first and second times and referred to Committee on Finance and Claims:

H. B. No. 16, by Hefferlin: A bill for an act to appropriate moneys for the payment of mileage and per diem for members of the Eighth Legislative Assembly of the State of Montana; also for the payment of per diem of the officers and attaches thereof.

H. B. No. 17. By McCone: A bill for an act making appropriations for the incidental expenses of the Eighth Legislative Assembly of the State of Montana.

Respectfully,

X. K. STOUT, Secretary."

Tooley from the Committee on Enrollment reported House Bill number 16 properly enrolled.

Mr. Speaker announced that he was about to sign House Bill number 16. On motion of Hilger, at 2.45 P. M., the House adjourned until to-morrow at 10 o'clock A. M.

B. F. WHITE,
Speaker.

NATHAN GODFREY,
Chief Clerk.

EIGHTEENTH DAY

Thursday, January 22nd, 1903.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—all members present except MacGinniss.

Prayer by the Chaplain.

Journal of yesterday read and approved.

COMMUNICATIONS AND PETITIONS.

King presented a petition from citizens of the state, praying for a Sunday Law. Referred to Committee on Education.

NOTICES OF BILLS.

The following notices were given:

By Noble: A bill for an act fixing the fees of the Secretary of State for filing articles of Sole and other religious and benevolent corporations.

By Giltinan: A bill entitled an act to amend Section 584, Division 1, Part 4, Title 3, Chapter 1, of the Civil Code of Montana, relating to banks.

By Tooley: A bill for an act entitled an act to prevent the malicious cutting, tearing down or in any manner interfering with or injuring fences or other enclosures of lands belonging to another, and prescribing punishment for the violation thereof.

By Miles: A bill for an act to amend sections 3370, 3371 and 3372 of the Political Code of the State of Montana, and to repeal sections 1, 2, 3 and 4 of an act entitled, "An act regulating the hours of labor of Hoisting Engineers, and fixing the penalty for the violation thereof," approved February 19th 1897.

By Williams: A bill for an act providing for the election of but one person to perform the duties pertaining to the offices of sheriff and assessor in certain counties; providing for a vote of the taxpayers of the county in relation thereto, fixing the compensation of such officer and providing for his under-sheriff and deputies.

By Lanstrum: A bill for an act entitled, an act to provide for further protection of birds, fish, fur bearing animals and game, by regulating and restricting the shipping of the same out of the state; by providing for

licensed guides and requiring certain non-resident hunters to employ same, and by requiring taxidermists to secure a license to conduct business, and to provide penalties for the violations of this act.

By Janstrum: A bill for an act entitled, an act to amend an act to repeal Sections 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, and 1144, of the Penal Code of the State of Montana, and to provide further protection to birds, fish, fur bearing animals and game," approved March 8, 1897, as amended by House Bill No. 13, session of 1901, and approved March 14, 1901.

By Bray of Lewis and Clarke: A bill for an act entitled, an act to amend sections 6, 12 and 14 of an act entitled "An act to repeal sections 3100 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113 and 3114 of the Political Code of the State of Montana, and to provide for the appointment of a State Game & Fish Warden, Deputy Game & Fish Wardens, and Special Deputy Game & Fish Wardens, and defining their powers and duties, and providing for their compensation," approved March 18, 1901.

By Stadler: A bill for an act to amend section 4 of Senate Bill No. 41 of the Session Laws of the Seventh Legislative Assembly, entitled an act to amend sections 622, 624 and 629 of the Political Code of Montana, relating to the Board of Dental Examiners, and to amend section 631 of Part 3, Title 1, Chapter 3, Article XVII of the Political Code of the State of Montana, relating to the Board of Dental Examiners.

By Brownlee: A bill for an act entitled an act to extend and define the boundaries of Sweet Grass County and to alter the boundaries of Park County to conform thereto.

By Hilger: A bill for an act entitled "An act to amend section 681 of the Civil Code of the State of Montana," relating to fire insurance tax.

By Gangner:—A bill for an act entitled "An act to regulate the execution of mortgages of real estate by non-residents."

By Schwend: A bill for an act entitled, an act to prohibit the employment of incompetent persons to manage or operate any electric, compressed air, or engine or motor which may be used in, around or about any mill, smelter, reduction works or manufacturing plant, of any kind, in the State of Montana, for the purpose of transporting ore, concentrates or other material, and providing penalties for the violation of its provisions.

By Beaudry: An act to amend section 4911, Article 6, Chapter 3, Title 3, Part 4, of the Political Code of the State of Montana, relative to the jurisdiction of police courts.

By Swindlehurst: A bill entitled an act to repeal section 1313, Part 2, Title X, Chapter 3, of the Code of Civil Procedure of the State of Montana, and to provide for the recovery of the value of permanent improvements which have been placed upon real estate by persons in the possession thereof and holding the same in good faith and under color of title.

By Teal: A bill for an act appropriating \$60,000, more or less, for the maintenance of the State Orphans Home.

REPORTS OF STANDING COMMITTEES.

The following reports were made:

Tooley from Committee on Enrollment reported H. B. No. 16 as correctly enrolled, and that the same was delivered to the Governor at 3.35 P. M. on yesterday; also that H. B. No. 17 was correctly enrolled.

Mr. Speaker announced that he was about to sign H. B. No. 17.

By Miller: "Mr. Speaker:—We, your committee on State Boards and Officers, to whom was referred H. B. No. 6, "An act to consolidate the clerkships of the Board of Pardons, Board of Commissioners for the Insane, Board of State Prison Commissioners and State Board of Equalization, providing for the appointment of a clerk to said boards and fixing his compensation," having had same under consideration, beg leave to report same back to the House and recommend that it do pass." Bill referred to Committee on Printing.

By Stadler: "Mr. Speaker:—Your committee on Internal Improvements

to whom was referred House Bill No. 75, a bill for an act to amend section No. 1123 of the Penal Code of the State of Montana, relating to the dumping of refuse in streams, respectfully report the same back to the House with the recommendation that it do pass." Referred to Committee on Printing.

By Stadler: "Mr. Speaker:—Your committee on Internal Improvements to whom was referred House Bill No. 32, an act to amend section 688, Title 10, Part 1, of the Penal Code of the State of Montana, respectfully report the same back to the House with the recommendation that it do pass." Referred to Committee on Printing.

By Buchanan: "Mr. Speaker:—Your committee on Printing begs leave to report House Bills numbers 24, 51 and 7, and House Joint Memorial No. 1, correctly printed." Bills placed on General Orders.

By Brownlee: "Mr. Speaker:—We, your committee on Townships and Counties, to whom was referred House Bill No. 25, an act to amend section 4653, Part 4, Title 2, Chapter 5, of the Political Code of Montana, relative to payment of witnesses in courts not of record in criminal actions and on coroners' inquests, having had same under consideration, recommend that the same be referred to the Judiciary Committee." Bill referred to Committee on Judiciary.

Also: "Mr. Speaker:—We your committee on Townships and Counties, to whom was referred House Bill No. 61, a bill for an act entitled an act authorizing the County Commissioners of any county to provide public scales at suitable railway stations in the county, providing for capacity thereof and for the appointment, qualification, duties, compensation and removal of public weighers, and fixing penalty for the issuance of a false certificate by any such public weigher, having had the same under consideration, beg leave to report the same back to the House with the following amendment: "At any suitable location selected by the County Commissioners;" and recommend that the bill, as amended, do pass." Bill referred to Committee on Printing.

By Lindermann: "Mr. Speaker:—We, your committee on Corporations other than Municipal, to whom was referred House Bill No. 34, beg leave to report as follows: That the bill be reported back to the House with the recommendation that it be indefinitely postponed." On motion of Conner, report was adopted, and bill indefinitely postponed.

By Miller: "Mr. Speaker:—We, your committee on State Boards & Officers, to whom was referred House Bill No. 9, a bill for an act entitled "An act to amend sections 550, 551 and 552, of Article XIV, Chapter III, of the Political Code," having had the same under consideration, beg leave to report the same back to the House and recommend that it be indefinitely postponed." On motion of Miller report was adopted and bill indefinitely postponed.

By Lanstrum: "Mr. Speaker:—Your committee on Ways & Means, to whom was referred House Bill No. 3, an act providing for the payment of the expenses of sheriffs for transporting prisoners and insane persons, and for serving processes of courts, having had the same under consideration, beg leave to return the same to the House with the accompanying substitute and recommend that the substitute do pass." On motion of Lanstrum report adopted, and Substitute for H. B. No. 3 referred to Committee on Printing.

By Conner: "Mr. Speaker:—Your committee on Appropriations respectfully report that while new typewriting machines were ordered for the use of Legislative Committees, it appears that the State Officers have appropriated the new machines and supplied in their places their old and in many cases badly worn machines, which are unfit for the use required, and your committee respectfully recommends that the House insist that the machines bought for the use of its committees be placed in their rooms." On motion of Lynch the report was adopted, and the Sergeant-at-Arms instructed to procure said new machines and place them in the several committee rooms.

By Self: "Mr. Speaker:—A majority of your Committee on Judiciary to whom was referred House Bill No. 33, introduced by Lanstrum, en-

titled "An act to amend section 483, Chapter II, Title II, Part II, of the Code of Civil Procedure, relating to the time of commencing actions for the recovery of real property", beg leave to say that they have had said bill under consideration, and report the same back with the recommendation that the further consideration thereof be indefinitely postponed." On motion of Conner, the report was adopted, and bill indefinitely postponed.

Also: "Mr. Speaker:—A majority of your Committee on Judiciary to whom was referred House Bill No. 55, introduced by Axtell, entitled an act providing for the submitting to the electors of the State of Montana, for their approval or rejection, amendments to article 18 of the constitution of the State of Montana, relating to labor, by adding thereto six new sections, beg leave to say that they have had said bill under consideration and report the same back with the recommendation that the further consideration thereof be indefinitely postponed." Story moved to adopt the report. Axtell moved, as an amendment, that the bill be re-referred to the Committee on Labor. Carried.

Also: "Mr. Speaker:—Your Committee on Judiciary, to whom was referred House Bill No. 65, introduced by Lanstrum, entitled an act providing for the submission to the qualified voters of the State of Montana, an amendment to section 5, of Article 16, of the constitution, relating to the election and qualification of County Superintendents of Schools, beg leave to say that they have had said bill under consideration, and report the same back with the recommendation that the further consideration thereof be indefinitely postponed." On motion of Conner, report was adopted, and bill indefinitely postponed.

Also: "Mr. Speaker:—Your Committee on Judiciary, to whom was referred House Bill No. 71, introduced by Beaudry, entitled an act providing for the submission to the electors of the State of Montana, for their approval or rejection, an amendment to section 15, Article 8, of the constitution of the State of Montana, relating to appeals from the District Courts to the Supreme Courts, beg leave to report the same back with the recommendation that the further consideration thereof be indefinitely postponed." Story moved that the report be adopted, upon which motion a division was called. Motion carried. Bill indefinitely postponed.

Conner gave notice of motion to reconsider.

Also: "Mr. Speaker:—Your committee on Judiciary, to whom was referred House Bill No. 77, introduced by Bray of Lewis and Clarke, entitled an act to amend section 636 of the Code of Civil Procedure, relating to the service of summons in civil actions, beg leave to report said bill back with the recommendation that the further consideration thereof be indefinitely postponed." On motion of Story the report was adopted. Bill indefinitely postponed.

On motion of Lynch, at 11.45 A. M., the House took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

House re-assembled at 2 o'clock P. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

Conner arose to a question of privilege, and stated that the members of the Silver Bow delegation had been refused their per diem and mileage by the State Auditor, which he considered to be unjust and unusual.

Hilger introduced the following resolution:

"Be It Resolved by the House of Representatives, that the State Auditor be, and is hereby directed to furnish and submit his reasons for refusing to pay the per diem and mileage of the members from Silver Bow County." Adopted.

Hilger and Stapleton were excused from attendance this afternoon.

INTRODUCTION OF BILLS.

The following bills were introduced:

By Tolman: H. B. No. 96. A bill for an act to amend sections 2900 and 2902 of the Political Code of the State of Montana, relating to lost and unclaimed property. Placed on file.

By Conner: H. B. No. 97. A bill for an act entitled an act to amend an act providing for Farmers Institutes, and making an appropriation therefor. Placed on file.

By Whiteley: H. B. No. 98. A bill for an act entitled an act regulating the sale of prison made goods in the State of Montana, and providing a penalty for the violation thereof. Placed on file.

By Pearson: H. B. No. 99. An act to amend section 2661 of Article 2, Chapter 1, Title 6, Part 4, of the Civil Code of Montana, relating to service. Placed on file.

By Linderman: H. B. No. 100. A bill for an act to amend sections 3070 and 3072, Article 8, Chapter 5, Title 7, Part 3, of the Political Code, relating to the payment of bounty on wild animals. Placed on file.

MOTIONS AND RESOLUTIONS.

The following were introduced:

By Tolman: House Joint Memorial No. 2, relative to the opening for settlement of the Absorakee Forest Reserve.

Also: Resolved, that a committee of five be appointed by the Speaker to visit the following state institutions and to report the condition and needs of these institutions: Normal School, School of Mines, Deaf & Dumb Asylum, State University, Agricultural College, Reform School, Orphans Home, Soldiers Home, Penitentiary, and Insane Asylum. Resolution adopted.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 96. Read first and second times, and referred to Committee on Live Stock and Public Ranges.

H. B. No. 97. Read first and second times, and referred to Committee on Agriculture and Horticulture.

H. B. No. 98. Read first and second times, and referred to the Committee on Labor.

H. B. No. 99. Read first and second times, and referred to the Committee on Labor.

H. B. No. 100. Read first and second times, and referred to Committee on Live Stock and Public Ranges.

House Joint Memorial No. 2. Read and referred to Committee on Live Stock and Public Ranges.

MESSAGES FROM GOVERNOR AND SENATE.

"Executive Office, Helena, Montana, Jan. 21, 1903.

To the Speaker of the House of Representatives:—

Sir:—I have the honor to notify you that I have this day approved House Bill Number 16, an act to appropriate moneys for the payment of mileage and per diem for the members of the Eighth Legislative Assembly of the State of Montana; also for the payment of per diem of the officers and attaches thereof."

J. K. TOOLE, Governor."

The following message was received from the Senate:

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that notices of the introduction of bills were given as follows:

By Anderson: A bill for an act entitled an act to amend sections 6, 12 and 14, of an act entitled, an act to repeal sections 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, of the Political

Code of the State of Montana, and to provide for the appointment of a State Game and Fish Warden, Deputy Game & Fish Wardens and Special Deputy Game & Fish Wardens, and defining their powers and duties, and providing for their compensation, approved March 18, 1901.

By Anderson: A bill for an act entitled an act to provide for further protection of birds, fish, fur bearing animals and game, by regulating and restricting the shipping of the same out of the state; by providing for licensed guides and requiring certain non-resident hunters to employ same, and by requiring taxidermists to secure a license to conduct business, and to provide penalties for the violation of this act.

By Anderson: A bill for an act entitled an act to amend an act to repeal sections 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143 and 1144 of the Penal Code of the State of Montana, and to provide further protection to birds, fish, fur bearing animals and game, approved March 8th, 1897, as amended by House Bill No. 13, Session of 1901, and approved March 14, 1901.

The following Senate Bill was introduced and read first and second times:

By Waite: A bill for an act entitled an act to prevent the wilful and malicious killing or maiming of live stock, and the placing of any poison or poisonous substance upon the range or elsewhere, and prescribing punishment."

Respectfully,

X. K. STOUT, Secretary."

On motion of Allen, at 3.45 P. M., the House adjourned until to-morrow at 10 o'clock A. M.

B. F. WHITE,
Speaker.

NATHAN GODFREY,
Chief Clerk.

NINETEENTH DAY

Friday, January 23rd, 1903.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called, and all members present except MacGinniss.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

Lancaster was excused from attendance for one day.

COMMUNICATIONS AND PETITIONS.

A communication was received from the Legislative Assembly of the Territory of New Mexico, relating to the admission of the Territories of Oklahoma, Arizona and New Mexico as states of the Union. Referred to Committee on Federal Relations.

The following communication was received from the State Auditor:

"Hon. Benjamin F. White, Speaker House of Representatives:

Sir:—I have the honor to acknowledge the receipt of the following resolution offered by Hilger of Fergus County and adopted by your Honorable body:

"Resolved by the House of Representatives, that the State Auditor be, and is hereby directed to furnish and submit his reasons for refusing to pay the per diem and mileage of the members of Silver Bow County.—Adopted."

"In Complying with the provisions of this resolution, I beg to submit the following as my reasons for with-holding payments as stated:

Section 1040 of the Political Code of the State of Montana, is as follows:

"When the title of the incumbent of any office in this state is contested by proceedings instituted in any court for that purpose, no warrant

can thereafter be drawn or paid for any part of his salary until such proceedings have been finally determined.

The title of the members of the Eighth Legislative Assembly, from Silver Bow County, has been contested, and such contest has not yet been finally determined.

I with-hold the payment of these said representatives in compliance with the restriction placed upon me by the section of the Code here quoted, and in protection of my bond guaranteeing that I comply with all the laws of the state in the conduct of this office.

Previous to the presentation in the House of the above resolution and without knowing that it was contemplated, I sent the following communication to the Senate:

Lient. Governor Frank G. Higgins,

President Senate Eighth Legislative Assembly,

Helena.

Sir:—Under section 1040 of the Political Code, State of Montana, the payment of state officers, whose election and certificate is under contest, is prohibited.

It is the expressed opinion of members of your body that this restriction does not apply to members of the state legislature; that all persons holding seats are members, that those under contest are de facto members; that the entire membership as presented by the certified payrolls, should be paid.

In view of the divergent opinions and for the protection in the premises of the state officers concerned, we respectfully ask that the assembly pass a concurrent resolution, in such form as it may deem proper, expressing itself on the question, and if ordering the payment in full of the payroll as submitted, and as will be submitted, to the office of the State Auditor, that it relieve the State Auditor and the State Treasurer from any liability that might be implied by the Code section here referred to.

Respectfully,

J. H. CALDERHEAD, State Auditor.

A. H. BARRET, State Treasurer."

It will be a pleasure to me to deliver the said payments with-held if this assembly will relieve me of responsibility under the section of the Code herein quoted.

Respectfully,

J. H. CALDERHEAD, State Auditor.

Referred to Committee on Judiciary.

NOTICES OF INTRODUCTION OF BILLS.

The following notices were given:

By Faust: A bill for an act to amend section No. 5039 of the Political Code of Montana, relating to the establishment and maintenance of free public libraries.

By Bever: A bill for an act entitled an act repealing sections 2840, 2841 and 2843 of Article XVI, Part III, Title VI of the Political Code of the State of Montana, relating to Toll Roads and Bridges.

By Bever: A bill for an act entitled an act to extend and define the boundary lines of Yellowstone County and to alter the boundary lines of Fergus county to conform thereto.

By Miller: A bill for an act repealing Senate Bill No. 45 of the Seventh Legislative Assembly of the State of Montana, entitled an act providing for a Meat and Milk Inspector in cities having 5000 inhabitants and over, within the State of Montana, and prescribing the duties and powers of such inspector, and to regulate the sale of meat and milk and live domestic animals intended for food purposes, and prescribing penalties for the violation of the provisions of this act.

By Graham: A bill for an act entitled, an act relating to the fencing of railroad tracks, and the protection of livestock from injuries thereon.

By Dwight: A bill for an act to amend sections one, two, seven, eight, nine, fifteen and nineteen of an act entitled "An act to create the Montana

State Board of Horticulture," to prescribe its duties and powers and to appropriate money therefor, approved February 17th, 1899, and as amended by the act of March 14, 1901, and to add to said act certain new sections to be designated as sections 21 and 25 inclusive.

By Judiciary Committee:—A bill for an act providing for the submission to the qualified electors of the State of Montana, of an amendment to Section 15, Article XII, of the constitution of the State of Montana, relating to county and state boards of Equalization.

By Dempster:—An act to amend sections 2 and 3 of Senate Bill No. 37, as enacted by the Seventh Legislative Assembly of the State of Montana, relating to the election of the Trustees of the County Free High Schools.

By Williams:—A bill for an act providing for the submission to the qualified voters of the State of Montana, of an amendment to section 18, of Article VIII, of the constitution, relating to Clerks of the District Court.

REPORTS OF STANDING COMMITTEES.

The following reports were made:

By Tooley:—

"Helena, Mont., Jan. 22nd, 1903.

"Mr. Speaker: Your committee on Enrollment beg leave to report H. B. No. 17 was delivered to his Excellency, the Governor, at 3.05 o'clock P. M."

By Hilman:—"Your Committee on Military Affairs, to whom was referred House Bill No. 15, does by direction and in behalf of a majority of the committee report the same back to the House with a recommendation that it do pass, for the following reasons:

That the State Soldiers' Home is supported by the United States Government to the extent of a contribution of One Hundred Dollars per annum for each soldier who remains continuously an inmate of the Home, but does not pay for any time during which the soldier is absent from the Home.

Under the law proposed to be amended, the State of Montana exacts from each inmate of the Home two-thirds of the pension he draws, providing such exaction shall leave the pensioner four dollars per month of his pension money.

By a rule of the United States Government Board of Managers of Soldiers' Homes, the United States deducts an amount equal to one-half what the state takes from the pensioner from the amount it would otherwise pay in full. Hence the \$100 per annum due the state from the United States is reduced to the extent of one-half the state receipts from pension money.

The soldier surrenders two-thirds of his pension and the state only gets the benefit of one-half of this amount. In actual operation the income of the States is greatly decreased by this pension exaction and the receipts from the pensioners is very small in the aggregate.

A majority of the soldiers seek to save up their pension money to defray the expense of visiting relatives, pay their debts, and, in many instances, for the purpose of going into some little business where they can sustain themselves. Taking away their pension money leaves them in a pauperized condition and condemns them in perpetual dependence. They are made to feel that the Home is a sort of penal institution from which there is no escape except by death."

By Miller:—"As a majority of the committee on Military Affairs, I desire to submit a report recommending that House Bill No. 15 be indefinitely postponed, for the reasons that under the law as it now is, the Board of Managers of the Soldiers' Home could, if it deemed it for the best interests of the inmates of the Home, amend its regulations so as not to require them to pay over any part of their pensions for their own support; and as this Board has always consisted wholly of men who served their country as long and as well in the army of the United States, as any inmate of the Home, it had the welfare only of the old soldier at heart, and not one of the sixteen veterans who have served on the Board from the institution of the Home has ever suggested that it would be better to let these men have all the money the Government gives them for their support, to be

used to their detriment and to the prejudice of discipline in the Home, while the State would be burdened that additional amount for their care. I therefore move the Bill be indefinitely postponed."

Bill referred to Committee on Printing.

By Self: "Mr. Speaker:—Your Committee on Judiciary, to whom was referred House Bill No. 93, introduced by Self, entitled "An act to amend section 1821, of the Code of Civil Procedure, relating to motions and orders," beg leave to say that they have had said bill under consideration and report the same back with the recommendation that the same do pass." Bill referred to Committee on Printing.

Also: "Mr. Speaker:—Your Committee on Judiciary, to whom was referred House Bill No. 95, introduced by Self, entitled "An act to amend section 2840, of the Code of Civil Procedure, relating to the establishment of the rights of heirs and other persons, to share in the distribution of the estates of decedents," beg leave to report the same back to the House with the recommendation that it do pass." Bill referred to Committee on Printing.

By Woodworth: "Mr. Speaker:—Your Committee on Highways, to whom was referred House Bill No. 49, relating to the removal of obstructions from Highways or Roads and repairing bridges, respectfully report the same back to the House with the recommendation that it do pass." Bill referred to Committee on Printing.

INTRODUCTION OF BILLS.

The following bills were introduced:

By Miles: H. B. No. 101. An act to amend sections 3370 and 3372 of the Political Code of the State of Montana, and to repeal an act entitled, an act regulating the hours of labor of Hoisting Engineers, and fixing the penalties thereof, approved February 19, 1897. Placed on file.

By Tooley: H. B. No. 102. A bill for an act entitled an act to prevent the malicious cutting, tearing down, or in any other manner interfering with or injuring fences or other enclosures of lands belonging to another, and prescribing punishment for the violation thereof. Placed on file.

By Brownlee: H. B. No. 103. A bill for an act entitled an act to extend and define the boundaries of Sweet Grass County and to alter the boundaries of Park County to conform thereto. Placed on file.

By Self: H. B. No. 104. An act to provide security to the public against errors, omissions and defects of abstracts of title to real estate, and for the use of abstracts of title in evidence. Placed on file.

Also: H. B. No. 105. A bill for an act entitled an act to amend section 615 of the Code of Civil Procedure, relating to the place of trial of civil actions. Placed on file.

By Stadler: H. B. No. 106. An act to amend section 4 of Senate Bill No. 41 of the Session Laws of the Seventh Legislative Assembly, entitled an act to amend Sections 622, 624 and 629 of the Political Code of Montana, relating to the Board of Dental Examiners, and to amend section 601, of Part 3, Title 1, Chapter 3, Article 17, of the Political Code of the State of Montana, relating to the Board of Dental Examiners. Placed on file.

MOTIONS AND RESOLUTIONS.

By Brownlee: That the vote by which H. B. No. 33 was indefinitely postponed on yesterday, be reconsidered. Carried.

The motion recurring on the adoption of the report of the Committee on Judiciary, to indefinitely postpone—Report Rejected.

Everett moved to re-refer to Committee on Judiciary.

Tolman moved, as an amendment, that the bill be referred to the Committee on Printing. So Ordered.

Conner moved that the vote of the House on yesterday, by which H. B. No. 71 was indefinitely postponed, be reconsidered. So Ordered.

H. B. No. 71 referred to Committee on Printing.

Cannon moved the following resolution:

BE IT RESOLVED, by the members of the House of Representatives of the Eighth Legislative Assembly, in session assembled, that we, in the interest of the citizens and taxpayers of the State of Montana, and particularly in the interest of those citizens of those counties of the State of Montana adjacent to the boundary line between the states of Idaho and Montana, do respectfully petition the Congress of the United States to appropriate, as soon as may be, an adequate sum of money for the purpose of defraying the expense of surveying and defining the said boundary line between the states of Montana and Idaho; and,

BE IT Further Resolved, that the Chief Clerk of the House be directed to send by telegraph a copy of the foregoing resolution to our Representative in Congress and to the Chairman of the Committee on Appropriations of the House of Representatives of the United States." Adopted.

Conner introduced the following:

"Resolved that Edward W. Harney, a Judge of the District Court of the Second Judicial District, be impeached of high crimes, misdemeanors, and of malfeasance in office, and that five managers be elected by this House of Representatives to prepare articles of impeachment, present them at the bar of the Senate and prosecute the same."

Conner moved that it be referred to the Committee on Judiciary.

Lynch moved as an amendment that it lay on the table.

A division being called for, the amendment was lost.

The motion to refer was declared carried. The resolution was referred to the Committee on Judiciary.

READING OF HOUSE BILLS.

The following bills were taken from the files:

H. B. No. 101. Read first and second times, and referred to the Committee on Mines and Mining.

H. B. No. 102. Read first and second times, and referred to the Committee on Agriculture & Horticulture.

H. B. No. 103. Read first and second times, and referred to Committee on Townships and Counties.

H. B. No. 104. Read first and second times, and referred to the Committee on Judiciary.

H. B. No. 105. Read first and second times, and referred to Committee on Judiciary.

H. B. No. 106. Read first and second times, and referred to Committee on State Boards and Officers.

MESSAGES FROM THE GOVERNOR AND SENATE.

"Executive Office, Helena, Mont., Jan. 22, 1903.

To the Speaker of the House of Representatives:

Sir:—I have the honor to inform you that I have this day approved House Bill No. 17, an act making appropriations for the incidental expenses of the Eighth Legislative Assembly of the State of Montana."

J. K. TOOLE, Governor."

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that the standing Committee on Rules have been instructed and empowered to meet a like committee from the House for the purpose of framing Joint Rules of the Eighth Legislative Assembly, also that the Senate Committee on Printing have been instructed to meet a like committee from the House for the purpose of arranging for the distribution in the Senate of bills printed by the House.

Also that Notices of the introduction of bills were given as follows:

By Kohrs: A bill for an act to amend section 2211 of the Code of Civil Procedure of the State of Montana, as amended by an act entitled an act to amend section 2211 of Title 7, of Chapter 1, of Part 3 of the Code of Civil Procedure of the State of Montana, relating to eminent domain.

By Kohrs: A bill for an act to amend section 4573 of the Civil Code of Montana, relating to actions for public nuisances.

By Kohrs: A bill for an act to amend section 2577 of the Penal Code of Montana, relating to the judgment against a corporation convicted of a misdemeanor.

By Kohrs: A bill for an act to amend section 674 of the Penal Code of Montana, relating to punishment for public nuisances.

By Tewey: A bill for an act entitled an act to amend sections 1920, 1921, 1922, 1923, 1924 and 1925, Part 3, Title 3, of the Political Code of the State of Montana, and to provide for the compulsory education of all children between the ages of eight and sixteen, to establish industrial schools, equip and conduct the same, and to provide for the regulation of juvenile disorderly persons.

By Tewey: A bill for an act entitled an act to extend the boundaries of Silver Bow County, Montana, and to alter the boundaries of Jefferson County, Montana, to conform thereto.

By Yegen: A bill for an act making the wilful or malicious taking or removal of waste, packing, brass or brasses from any journal box or boxes of any locomotive, engine, tender, carriage, coach, car, caboose or truck, used or operated, or capable of being used or operated, upon any railroad, whether the same be operated by steam or electricity, a felony and providing penalties therefor.

By Yegen: A bill for an act establishing a sub-experimental station of the Agricultural Experimental Station near Billings, Montana, and providing for the acquisition of title for the land, for the same, and the direction thereof.

By Brennen: A bill entitled an act to amend section 1892 of Title 6, of Chapter 1, of Part 2, of the Penal Code, relating to the appointment of counsel in criminal cases, and their compensation, where the accused is unable to employ same.

Also that the following Senate Bills were introduced and read first and second times:

S. B. No. 29. By Anderson: A bill for an act to amend an act to repeal sections 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143 and 1144 of the Penal Code of the State of Montana, and to provide further protection to birds, fish, fur bearing animals and game.

S. B. No. 30, by Anderson: A bill for an act entitled an act to provide further protection of birds, fish, fur bearing animals and game, by regulating and restricting the shipping of the same out of the state; by providing for licenses guides and requiring certain non-resident hunters to employ the same, and by requiring taxidermists to secure a license to conduct business, and to provide penalties for violations of this act.

By Anderson: A bill for an act to amend sections 6, 12 and 14 of an act entitled an act to repeal sections 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113 and 3114 of the Political Code of the State of Montana, and to provide for the appointment of a State Game & Fish Warden, Deputy Game & Fish Wardens, and Special Deputy Game & Fish Wardens, and defining their powers and duties, and providing for their compensation."

Respectfully,

X. K. STOUT, Secretary."

On motion of Tolman, at 11.35 A. M., the House took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

House re-assembled at 2 o'clock P. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

The following message was received from the Senate:

"Mr. Speaker:—I am directed by the Senate to inform your Honorable

body that Senate Bills Nos. 2, 3, 4, 5, 6, 7 and 11 were read third time and passed, and are herewith transmitted for your concurrence.

Respectfully,

X. K. STOUT, Secretary."

GENERAL ORDERS.

On motion of Conner, the House resolved itself into a Committee of the Whole, Swindlehurst in the chair.

HOUSE RESUMED, Mr. Speaker in the Chair.

Swindlehurst reported as follows:

Mr. Speaker:—Your Committee of the Whole having had under consideration H. J. Memorial No. 1, House Bills Nos. 7, 24 and 27, beg leave to report as follows:

1st. That we have considered H. J. Memorial No. 1, and recommend that it do pass.

2nd. That we have considered H. B. No. 7 and recommend that it be amended as follows: Strike out all of section 2 and insert in lieu thereof "said appellant shall pay the amount of taxes assessed, if the same become due before the case is decided, and if the decision be in his favor, the county shall refund the amount in excess of the amount adjudged to be due; but if the decision of said Board be affirmed, or the appeal be dismissed, the appellant shall pay all costs of such appeal, and all penalties and costs of publication. In no case shall such undertaking be in less sum than one hundred and fifty dollars". and as amended, that it do pass.

3rd. That we have considered House Bill No. 24, and recommend that it do pass.

4th. That we have considered H. B. No. 27 and recommend that "an Act Entitled" be stricken out of the title, and that as so amended, the bill do pass."

REPORT ADOPTED.

Miles and Martin were excused until Tuesday morning.

H. J. Memorial No. 1, and House Bills Nos. 7, 24 and 27 were referred to the Committee on Engrossment.

On motion of Self, the following report of the Committee on Judiciary was made:

"Mr. Speaker:—Your Committee on Judiciary to whom was referred the communication from State Auditor. J. H. Calderhead, date January 22, 1903, beg leave to report thereon, and recommend the adoption of the following resolution, to-wit:—

BE IT RESOLVED, by the House of Representatives of the Eighth Legislative Assembly, of the State of Montana, that it is the sense of this body that the pay-roll of the House, duly executed and certified by its Speaker and Chief Clerk, is sufficient authority for the State Auditor and State Treasurer to issue warrants to each person whose name appears thereon, and for the payment of warrants so issued; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be delivered by the Chief Clerk to the State Auditor and to the State Treasurer.

JAMES M. SELF, Chairman."

RESOLUTION ADOPTED.

On motion of Conner the House resolved itself into a Committee of the Whole.

Swindlehurst in the chair.

HOUSE RESUMED.

Mr. Speaker in the chair.

Swindlehurst made the following report:

"Mr. Speaker:—Your committee of the Whole, having had under consideration House Bills Nos. 31 and 51, beg leave to report as follows:

1st. That we have considered H. B. No. 31 and have amended the same as follows: amend Part 3 of Section 1, by striking out on line 11 the word "whone and insert in line thereof the word "his": in line 16 strike out the

words "matter of fact" and insert in lieu thereof the words "communications, conversations or transactions"; and that as amended, it do pass.

2nd. That we have considered H. B. No. 51 and recommend that it do pass."

REPORT ADOPTED.

House Bills numbers 31 and 51 ordered engrossed.

Miller moved that when the House adjourns, it do adjourn to meet at 10 o'clock A. M. on to-morrow.

Graham moved, as an amendment, that it do adjourn to meet at 10 o'clock A. M., on Monday.

Schwend moved, as an amendment to the amendment, that when the House adjourns, it do adjourn to meet on Monday at 2 o'clock P. M.

A division being called for, the amendment to the amendment was carried.

On motion of Schwend, the House adjourned at 3.30 P. M.

B. F. WHITE,
Speaker.

NATHAN GODFREY,
Chief Clerk.

TWENTY-SECOND DAY

Monday, January 26th, 1903.

House met pursuant to adjournment at 2 o'clock P. M.

Mr. Speaker in the chair.

Roll called, and all members present except Miles and Lancaster, absent on leave.

Prayer by the Chaplain.

The journal of previous day read and approved.

NOTICES OF INTRODUCTION OF BILLS.

The following notices were given:

By Woodworth: A bill for an act appropriating money for the purpose of providing additional Dormitory accommodations for the State Normal School at Dillon, Montana.

By Self: A bill for an act to create Paradise County, to define its boundaries, to provide for its organization and government, and to alter the boundaries of Missoula County to conform to the boundaries of Paradise County.

By Tolman:—A bill for an act entitled an act to enable the state to accept the offer of the United States, viz: 1,000,000 acres of arid land under an Act of Congress, commonly known as the Carey Act, approved August 18, 1894, amended June 11, 1896, and March 3, 1901, by abolishing the State Arid Land Grant Commission, and establishing instead the Carey Land Act Board, to be composed of the Governor, State Engineer, and Register of the State Land Office, defining the duties and powers of said Board, providing that it serve without additional compensation, providing the method of letting contracts for reclamation of arid land, fixing time allowed for construction of works, conditions of forfeit, relieving the state of liability, providing for the classification of reclaimed land, and the disposal of same within minimum or maximum price fixed, disposition of fund thus derived, making water right appurtenant to land, authorizing liens, conditions of their foreclosure, fixing time and manner of redemption, right of way, compelling contractor to maintain and operate works until turned over to settlers, limiting price to be charged for such maintenance and operation, requiring contractor to put settlers on land, fixing fees, requiring reports, making eight hours a day's work and prohibiting Mongolian labor on any contract under this act, and repealing conflicting laws.

By Everett:—A bill for an act entitled an act to provide for the submission to the qualified electors of the State of Montana, of an amendment to section 3, of Article XII of the constitution, relating to the taxation of mines and mining claims.

By Everett:—A House Joint Memorial, praying the congress of the United States for the relief of certain citizens of the State of Montana, who have located forest Reserve Lieu Selections in certain portions of Choteau, Teton and Valley counties, in what was the Blackfoot Indian Reservation.

By Conner:—"Mr. Speaker:—Your Committee on Appropriations herewith submit the following bill: A bill for an act entitled "An act appropriating money for the payment of the claim of the Montana Building Company for extra work and labor done and extra material furnished in the construction of the State Capitol", and recommend that the same do pass."

By Tolman:—A bill for an act entitled an act to declare the ownership of and provide for and regulate the diversion, distribution and use of waters of flowing streams and other sources of supply in this State and the abandonment and forfeiture of such rights, defining and limiting riparian rights, limiting the right to injunction to prevent the beneficial use of water, providing for the acquisition of rights of way for canals, ditches and pipe lines, providing penalties for violations of this act and unlawful diversion or use of water, establishing a State Irrigation Board, and fixing their compensation, compelling persons, corporations and companies to keep their plants and systems in repair, providing for the appointment and compensation of assistants to said Board of Engineers, limiting the expense of such board and its assistants and providing for the payment thereof, requiring such Board to ascertain, determine and make record of the flow of streams, and make gauging thereof, and to ascertain and report the quantity of riparian lands on each stream, the amount of water used and needed for the irrigation thereof, and the appropriation of water upon each of the streams, the amount thereof and when each was made, and to make and file maps and reports showing such riparian lands, use of water thereon, and such appropriations, and fixing and defining the unit measure of water, fixing the rules and rights of priority in the use of water, subjecting the appropriation of water to Act of Congress, providing for storage of flood waters, fixing the place of residence of the State Engineer, and of the office of said Board, and the times of its regular meetings, and repealing Title 8, Part 4, of the Civil Code of this state, sections 1880 to 1902 inclusive, and the act of the Legislature of this state, approved March 3, 1899, entitled an act establishing a standard of measurement of water, defining the equivalent of a miners inch, and repealing section 1893, Title 8, part 4, Division 2, of the Civil Code of the State of Montana, and all conflicting laws, and the act of the Legislature of this State; approved March 2, 1899, entitled an act to authorize the appointment of a commissioner for the measurement and division of water under decrees of court in certain cases, and all of the laws and parts of laws in conflict with this act.

Also:—A bill for an act entitled an act to amend section 3866 of the Civil Code of the State of Montana, relating to the renewal of chattel mortgages.

By Linemann:—A bill for an act providing for a meat and dairy inspection in first class counties within the State of Montana.

By Wood:—An act to provide for the election of Road Supervisors, to define and regulate their powers and duties, to fix their compensation, and to repeal an act entitled An act for the establishment of a uniform system of road government and administration in the counties of Montana.

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By Stapleton:—A bill for an act to prevent wrongs to children and dumb animals, and to establish a bureau of child and animal protection.

By Williams:—A bill for an act providing for the submission to the qualified voters of the State of Montana of an amendmen to section 6, of Article 16, of the constitution, relating to the consolidation of county offices.

By Miller:—A bill for an act to amend section 4605 of the Political Code of the State of Montana, relating to the board of prisoners and witnesses.

By Shannon:—A bill for an act entitled an act to provide for operating mines, when the working of such mines has been prevented by injunction or restraining order.

By Farmer:—A bill for an act to provide for the election of Road Supervisors, to define and regulate their powers and compensation, and to establish road districts.

By Linderman:—A bill for an act to amend section 1757 of the Political Code, relating to the apportionment of money to schools districts.

By Buchanan:—A bill entitled a bill for an act to extend the boundaries of Cascade County, and to alter the boundaries of Choteau County to conform thereto.

By Story: A bill for an act creating a County Board of Examiners for the purpose of examining teachers, and defining the powers and duties and fixing the compensation of members of such Boards.

By Allen: A bill for an act to amend section 4911 of the Political Code, relating to the jurisdiction of police courts.

REPORTS OF STANDING COMMITTEES.

The following reports were made:

By Pearson:—"Mr. Speaker:—Your Committee on State Institutions, Public Buildings and Grounds, to whom was referred H. B. No. 13, respectfully report the same back with the recommendation that it do pass."

By Lanstrum:—"Mr. Speaker:—Your Committee on Ways & Means, to whom was referred House Bill No. 36, a bill for an act to repeal an act to provide, for the publication of occupation license moneys collected by the county treasurers, approved March 4, 1901, respectfully report the same back to the House with the recommendation that it do pass."

By Self:—"Mr. Speaker:—Your Committee on Judiciary, to whom was referred House Bill No. 1, entitled an act limiting the number of judges of the district court in certain districts, beg leave to say that they have had the same under consideration, and report back a substitute therefor entitled, an act to amend section 32 of the Code of Civil Procedure of the State of Montana, as said section is amended by an act approved March 11, 1901, entitled an act to amend section 32, Title 1, Part 1, Chapter 4, of the Code of Civil Procedure, and to provide for an additional judge for the Second Judicial District of the State of Montana, relating to the election and term of office of district judges, with the recommendation that the substitute do pass." Miller moved that the substitute be adopted. Carried. Substitute will be referred to Printing Committee.

By Buchanan:—"Mr. Speaker:—Your Committee on Printing begs leave to report Substitute for House Bill No. 10, Substitute for House Bill No. 3, House Bills Nos. 45, 50, 54, 59, 74, 6, 32, 61, 75, 15, 33, 49, 71, 93, 95 as having been returned correctly printed."

INTRODUCTION OF BILLS.

The following bills were introduced:

By Self:—H. B. No. 107. An act to amend section 3680 of Chapter 2, Title X, Part 3, of the Political Code of the State of Montana, relating to the revenue of the State and definition of terms. Placed on file.

By Judiciary Committee: H. B. No. 108. A bill to provide for the submission to the qualified electors of the State of Montana of an amendment to section 15, of Article 12, of the constitution of the State of Montana, relating to State and County Boards of Equalization. Placed on file.

By Dempster:—H. B. No. 109. An act to amend sections 2 and 3 of Senate Bill No. 37, as enacted by the Seventh Legislative Assembly of the State of Montana, relating to the election of trustees of County Free High Schools. Placed on file.

By Miller: H. B. No. 110. A bill for an act repealing Senate Bill No. 45 of the Seventh Legislative Assembly of the State of Montana, entitled

an act providing for a Meat and Milk Inspector in cities having 5,000 inhabitants or over, within the State of Montana, and prescribing the duties and powers of such Inspector, to regulate the sale of meat and milk, and live domestic animals intended for food purposes, and prescribing penalties for the violation of the provisions of this act. Placed on file.

By Sales: H. B. No. 111. A bill for an act appropriating money for the erecting and equipping of additional buildings for the Montana Agricultural College, and Experiment Station at Bozeman, Montana. Placed on file.

By Committee on Appropriations:—H. B. No. 112. A bill for an act appropriating money for the payment of the claim of the Montana Building Company for extra work and labor done and extra material furnished in the construction of the state Capitol. Placed on file.

By Dwight:—H. B. No. 113. A bill for an act to amend sections 1, 2, 7, 8, 9, 15 and 19 of an act entitled an act to create the Montana State Board of Horticulture, to prescribe its duties and powers, and to appropriate money therefor, approved February 18th, 1899, and as amended by the act of March 14, 1901, and to add to said act certain new sections to be designated as sections 21 to 28 inclusive. Placed on file.

By Giltinan: H. B. No. 114. Amendment to section 584 of Civil Code, by imposing a penalty on banks which violate the law as to reserve fund. Placed on file.

By Teal:—H. B. No. 115. A bill for an act to amend sections 2471 and 2479 of the Political Code, relating to the State Orphans Home, and adding thereto sections 2498, 2499 and 2500, relating to the duties of County Superintendents of Schools, the admission of children to the State Orphans Home, their discharge therefrom and the commitment of incorrigible children to the State Reform School. Placed on file.

By Tolman: H. B. No. 116. A bill for an act to amend sections 3070, 3071 and 3076, Article 8, Chapter 5, Title 7, Part 3, of the Political Code, relating to the payment of bounties on wild animals. Placed on file.

By Faust:—H. B. No. 117. A bill for an act to amend section 5039 of the Political Code of Montana, relating to the establishment and maintenance of free public libraries. Placed on file.

By Cannon: H. B. No. 118. A bill for an act to encourage and aid agricultural associations. Placed on file.

By Noble:—H. B. No. 119. A bill for an act fixing the fees of the Secretary of State for filing articles of Sole and other Religious and Benevolent corporations. Placed on file.

By Schwend: H. B. No. 120. A bill for an act to prohibit the employment of incompetent persons to manage or operate any electric, compressed air or other engine or motor which may be used in, around or about any mill, smelter, reduction works, or manufacturing plant of any kind in the State of Montana, and providing penalties for the violation of its provisions. Placed on file.

By Beaudry: H. B. No. 121. An act to amend section 4911 of Article 6, Chapter 3, Title 3, Part 4, of the Political Code of the State of Montana, relating to the jurisdiction of police courts. Placed on file.

Miller moved the following resolution, seconded by McCone:

"Mr. Speaker:—I move that the Committee appointed to visit state institutions, be instructed to visit only the Insane Asylum and Penitentiary.

A division being called for upon its adoption, the motion was carried.

By Word:—H. B. No. 3. Relating to live stock. Read and referred to Committee on Live Stock and Public Ranges.

READING OF SENATE BILLS.

S. B. No. 2, read first and second times and referred to Committee on Judiciary.

S. B. No. 3, read first and second times, and referred to Committee on State Institutions, Public Buildings & Grounds.

S. B. No. 4, read first and second times, and referred to Committee on State Institutions, Public Buildings & Grounds.

S. B. No. 5, read first and second times, and referred to Committee on Education.

S. B. No. 6, read first and second times, and referred to Committee on Corporations other than Municipal.

S. B. No. 7, read first and second times, and referred to Committee on Live Stock and Public Ranges.

S. B. No. 11, read first and second times, and referred to Committee on Judiciary.

READING OF HOUSE BILLS.

The following bills were taken from the files:

H. B. No. 107, read first and second times, and referred to Committee on Ways & Means.

H. B. No. 108, read first and second times and referred to Committee on State Boards & Officers.

H. B. No. 109, read first and second times, and referred to Committee on Education.

H. B. No. 110, read first and second times, and referred to Committee on Affairs of Cities.

H. B. No. 111, read first and second times, and referred to Committee on Appropriations.

H. B. No. 112, read first and second times, and referred to Committee on State Institutions, Public Buildings & Grounds.

H. B. No. 113, read first and second times, and referred to Committee on Agriculture and Horticulture.

H. B. No. 114, read first and second times, and referred to Committee on Corporations other than Municipal.

H. B. No. 115, read first and second times, and referred to Committee on State Institutions, Public Buildings & Grounds.

H. B. No. 116, read first and second times, and referred to Committee on Live Stock & Public Ranges.

H. B. No. 117, read first and second times, and referred to Committee on Affairs of Cities.

H. B. No. 118, read first and second times, and referred to Committee on Townships and Counties.

H. B. No. 119, read first and second times, and referred to Committee on Ways & Means.

H. B. No. 120, read first and second times, and referred to Committee on Mines & Mining.

H. B. No. 121, read first and second times, and referred to Committee on Judiciary.

Bray of Lewis and Clarke, moved to adjourn until 10 o'clock A. M. tomorrow.

Conner moved, as an amendment, to adjourn until 2 o'clock P. M. tomorrow. CARRIED.

B. F. WHITE,
Speaker.

NATHAN GODFREY,
Chief Clerk.

TWENTY-THIRD DAY

Tuesday, January 27th, 1903.

House met pursuant to adjournment, at 2 o'clock P. M.

Mr. Speaker in the chair.

Roll called, and all members present.

Absent under excuse, Morrissey.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

The Speaker announced that he had employed Mr. Larkin as assistant janitor.

Miller moved, Faust seconded, that Mr. Larkins' name be placed upon the pay roll of the House. Carried.

Lancaster presented various petitions asking for the closing of saloons on Sundays. Referred to Committee on Education.

NOTICES OF BILLS.

The following notices were given:

By Whiteley:—A bill for an act to authorize and empower Directors of School Districts and Boards of Education in incorporated cities, towns and villages, to direct what text books and apparatus shall be used in the schools under their charge, and to purchase school text books, apparatus and supplies, and to sell the said school text books to the pupils at cost, or to supply them to the pupils free of cost.

By Beaudry:—An act relating to the fees of Justices of the Peace.

By Tolman:—A bill for an act entitled an act to amend section 3481 of the Political Code of the State of Montana, relating to state lands.

By Bray, of Lewis and Clarke:—An act requiring the Board of County Commissioners in every county to conspicuously place signs at the county road crossings and junctions, giving the name of the place to which the roads lead, and providing a penalty for the destruction of any such sign boards.

By Committee on Highways:—A bill for an act entitled an act for the establishment of a uniform system of road government and administration in the counties of the State of Montana, and to provide for the levy, collection and disposition of road tax, and providing penalties for the violation of the provisions of this act; and to repeal an act known as House Bill No. 280, of the Session Laws of Fifth Legislative Assembly of the State of Montana, entitled "An act amending sections 2640, 2642, 2643, 2680, of the Political Code, relating to the levy, collection and disposition of road tax", approved March 4, 1897, and to repeal an act known as "House Substitute for Senate Bill No. 38 of the Session Laws of the Sixth Legislative Assembly of the State of Montana, entitled, an act to repeal sections 2640, 2642, 2643 and 2680, as amended, of House Bill No. 280, of the Fifth Legislative Assembly of Montana, relating to the levy, collection and disposition of road tax, and to provide for the collection of a special road tax", approved March 3, 1899, and to repeal "Senate Bill No. 71" of the Session Laws of the Seventh Legislative Assembly of the State of Montana, entitled "An act for the establishment of a uniform system of road government and administration in the counties of Montana, approved March 16, 1901, and to repeal sections 2600, 2601, 2602, 2603, 2604, 2620, 2621, 2630, 2631, 2632, 2633, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2680, 2681, 2682, 2683, 2684, 2690, 2691, 2692, 2693, 2694, 2695, 2700, 2701, 2710, 2711, 2720, 2721, 2722, 2723, 2724, 2725, 2726, 2727, 2728, 2729, 2730, 2731, 2732, 2733, 2734, 2740, 2741, 2742, 2750, 2751, 2752, 2753, 2754, 2755, 2756, 2757, 2758, 2759, 2760, 2761, 2762, 2763, 2764, 2765, 2766, 2767, 2768, 2769, 2770, 2771, 2810, 2811, 2812, 2813, 2814, 2815, 2844, 2845, 2846, 2847, 2848 and 2849 of the Political Code of the State of Montana.

REPORTS OF STANDING COMMITTEES:

The following reports were made:

By Wilson, of Cascade: "Mr. Speaker:—We, your Committee on Engrossment, beg leave to report House Bills Nos. 51, 31, 27, 24, 7 and House Joint Memorial No. 1, as correctly engrossed."

By Swindlehurst: "Mr. Speaker:—We, your Committee on Insurance to whom was referred House Bill No. 22, entitled an act to amend section 801 of Chapter 1, Title 13, of Part 1, of the Penal Code of Montana, relating to arson, beg leave to report that we have considered said bill,

and recommend that it be amended by adding the words, "camp wagon" after the word "tent" in section 1 of the Bill; and that as amended it do pass." Referred to Committee on Printing.

By Brownlee: "Mr. Speaker:—Your committee on Townships and Counties to whom was referred House Bill No. 29, being a bill for an act to amend section 1201 of the Political Code, Session Laws of 1897, page 13, relating to the appointment of Registry Agents, have had the same under consideration, and beg leave to report same back to the House with the recommendation that it do pass." Referred to Committee on Printing.

By Pearson:—"Mr. Speaker:—Your Committee on State Institutions, Public Buildings & Grounds, to whom was referred House Bill No. 112, a bill for an act entitled an act appropriating money for the payment of the claim of the Montana Building Company for extra work and labor done, and extra material furnished, in the construction of the state Capitol, respectfully report same back with the recommendation that it do pass." Referred to Committee on Printing.

By Bever:—"Mr. Speaker:—Your committee on Affairs of cities, to whom was referred H. B. No. 57, a bill for an act relating to the granting of franchises by cities and towns and providing for a submission of the question of granting franchises, to the qualified voters, beg leave to report same back with the recommendation that it do pass, as amended." Referred to Committee on Printing.

INTRODUCTION OF BILLS.

The following bills were introduced:

By Linderman: H. B. No. 122. A bill for an act to amend section 1757 of the Political Code, relating to the apportionment of money to School Districts. Placed on file.

By Stapleton: H. B. No. 123. A bill for an act to protect children and dumb animals and to establish a bureau of child and animal protection. Placed on file.

By Wood: H. B. No. 124. An act to provide for the election of Road Supervisors, to define their powers and duties, to fix their compensation, and to repeal an act entitled, an act for the establishment of a uniform system of road government and administration in the counties of Montana. Placed on file.

By Farmer: H. B. No. 125. A bill for an act to provide for the election of Road Supervisors, to define and regulate their powers and compensation, and to establish road districts. Placed on file.

By Linderman: H. B. No. 126. A bill for an act providing for meat and dairy inspection in first class counties within the State of Montana. Placed on file.

By Story: H. B. No. 127. An act creating a County Board of Examiners for the purpose of examining teachers, and defining the powers and duties and fixing of the compensation of the members of such Boards. Placed on file.

By Buchanan: H. B. No. 128. A bill for an act to extend the boundaries of Cascade County, and to alter the boundaries of Choteau County to conform thereto. Placed on file.

By Miller: H. B. No. 129. A bill for an act to amend section 4605 of the Political Code of the State of Montana, relating to the board of prisoners and witnesses. Placed on file.

By Woodworth: H. B. No. 130. A bill for an act appropriating money for the purpose of providing additional Dormitory accommodations for the State Normal School at Dillon, Montana. Placed on file.

By Whiteley: H. B. No. 131. A bill for an act regulating the manufacture and sale of drugs and food products. Placed on file.

By Tolman: H. B. No. 132. A bill for an act to enable the state to accept the offer of the United States, viz: 1,000,000 acres of arid land under an act of Congress, commonly known as the Carey Act, approved August 18, 1894, amended June 11, 1896, and March 3, 1901, by abolishing the State Arid Land Grant Commission and establishing instead the Carey

Land Act Board to be composed of the Governor, State Engineer, and Register of the State Land Office, defining the duties and powers of said board, providing that it shall serve without additional compensation, providing the method of letting contracts for reclamation of arid lands, fixing time allowed for construction of works, conditions of forfeit, relieving the state of liability, providing for the classification of reclaimed land, and disposal of same within minimum and maximum price fixed, disposition of fund thus derived, making water right appurtenant to land, authorizing liens, conditions of their foreclosure, fixing time and manner of redemption, right of way, compelling contractor to maintain and operate works, until turned over to settlers, limiting price to be charged for such maintenance and operation, requiring contractor to put settlers on land, fixing fees, requiring reports, making eight hours a day's work and prohibiting Mongolian labor on any contract under this and repealing conflicting laws. Placed on file.

By Tolman:—H. B. No 133. An act to declare the ownership of and provide for and regulate the diversion, distribution and use of flowing streams and other sources of supply in this state, and the abandonment and forfeiture of such rights, defining and limiting riparian rights, limiting the right to injunction to prevent the beneficial use of water, providing for the acquisition of rights of way for canals, ditches and pipe lines, providing penalties for violations of this act and the unlawful diversion or use of water, establishing a State Irrigation Board, providing the powers and duties of said Board and fixing their compensation, compelling persons, associations and companies to keep their plants and systems in repair, providing for the appointment and compensation of assistants to said Board of Engineers, limiting the expenses of such Board and its assistants, and providing for the payment thereof, requiring such Board to ascertain, determine and make report of the flow of streams, and make gaugings thereof, and to ascertain and report the quantity of riparian lands on each stream, the amount of water used and needed for the irrigation thereof, and the appropriations of water upon each of the streams, the amount thereof, and when each was made, and to make and file maps and reports showing such riparian lands, use of water thereon and such appropriations, and fixing and defining the unit measure of water, fixing the rules and rights of priority in the use of water, subjecting the appropriation of water to Acts of Congress, providing for storage of flood waters, fixing the place of residence of the State Engineer, and of the office of said Board, and the times of its regular meetings, and repealing Title 8, Part 4, of the Civil Code of this State, sections 1880 to 1902 inclusive, and the act of the Legislature of this State approved March 3, 1899, entitled an act establishing the standard of measurement of water, defining the equivalent of a miners inch, and repealing section 1893, Title 8, Part 4, Division 11, of the Civil Code of the State of Montana, and all conflicting laws, and the act of the Legislature of this state, approved March 2, 1899, entitled, an act to authorize the appointment of a commissioner for the measurement and division of water under decrees of court in certain cases, and all other laws and parts of laws in conflict with this act. Placed on file.

MOTIONS AND RESOLUTIONS.

By Rice, seconded by King: "Mr. Speaker:—I move that the Committee on Privileges and Elections be allowed to employ eight extra clerks, for such time as their services may be desired, and that they be placed on the pay roll of the regular employees of the House." Carried.

Also the following, seconded by Everett:

"Whereas, Joseph H. McKnight, a member of the House of Representatives of the Ninth Legislative Assembly of the Territory of Montana, departed this life upon the 20th day of January, 1903;

RESOLVED BY THE HOUSE, that in the death of Joseph H. McKnight, this State has suffered the loss of a useful citizen, a good and faithful public servant, an upright man in all his relations with his fellow men, and an energetic builder of this commonwealth.

RESOLVED, that the Chief Clerk transmit a copy of these resolutions to the relatives of the deceased." Carried.

Everett, by leave, introduced, House Joint Memorial No. 4, relating to certain lands in Forest Reserves. Read and referred to Committee on Live Stock and Public Ranges.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 122. Read first and second times and referred to Committee on Education.

H. B. No. 123. Read first and second times and referred to Committee on State Boards & Officers.

H. B. No. 124. Read first and second times, and referred to Committee on Highways.

H. B. No. 125. Read first and second times, and referred to Committee on Highways.

H. B. No. 126. Read first and second times, and referred to Committee on Townships and Counties.

H. B. No. 127. Read first and second times, and referred to Committee on Education.

H. B. No. 128. Read first and second times, and referred to Committee on Townships and Counties.

H. B. No. 129. Read first and second times, and referred to Committee on Townships and Counties.

H. B. No. 130. Read first and second times, and referred to Committee on Appropriations.

H. B. No. 131. Read first and second times, and referred to Committee on State Boards and Officers.

H. B. No. 132. On motion of Tolman, seconded by MacDonald, the rules were suspended and bill read first and second times, by title only. Referred to Committee on State Lands.

H. B. No. 133. On motion of Tolman, seconded by MacDonald, bill was read first and second times by title only, and referred to Committee on Irrigation & Water Rights.

Upon request of Conner, Mr. Speaker instructed the Sergeant at Arms to enforce Rule number 1, relating to smoking in the House and lobbies.

MESSAGES FROM THE SENATE.

The following messages were received:

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that notices of the introduction of bills were given as follows:

By Meyer:—A bill for an act entitled an act entitled an act to amend section 3866 of the Civil Code of Montana, relating to the renewal of chattel mortgages.

By Mahon:—A Senate Joint Memorial to Congress, protesting against the continued agitation in favor of leasing government lands.

By Biggs:—A bill for an act entitled an act legalizing the indebtedness of cities incurred in excess of the limit provided by Section 6, of Article 13, of the constitution of Montana, and providing for the payment of same.

By Biggs:—A bill for an act entitled an act to amend sections 4811 and 4812 of Article 4, Chapter 3, Title 3, Part 4, of the Political Code of the State of Montana, relating to the legislative powers of cities and towns.

By Meyer:—A bill for an act entitled an act to extend and define the boundaries of Carbon County and to alter the boundaries of Sweet Grass County to conform thereto, and to apportion the indebtedness of Sweet Grass County.

By Mahon:—A Senate Joint Memorial, praying Congress to grant relief to certain residents of Montana who have been innocent and bona fide purchasers of Forest Reserve Land script and taken up land thereunder.

By Johnson:—A bill for an act entitled an act to amend section 1181 of Chapter 2, Part 3, Title 2, of the Political Code of the State of Montana, relating to the qualifications of voters.

By Johnson:—A bill for an act entitled an act to amend section 1209 of the Session Laws as amended by the Fifth Legislative Assembly of the State of Montana, to conform with the provisions of Section 1181 of Chapter 2, Part 3, Title 2, of the Political Code of the State of Montana.

Also:—The following Senate Bills were introduced and read first and second times:

S. B. No. 32, by Brennen: A bill entitled an act to amend section 1892 of Title 6, Chapter 1, Part 2, of the Penal Code of the State of Montana, relating to the appointment of counsel in criminal cases, and their compensation, where the accused is unable to employ same.

S. B. No. 33, by Tewey: An act to amend sections 1920, 1921, 1922, 1923, 1924 and 1925, Part 3, Title 3, of the Political Code of the State of Montana, and to provide for the compulsory education of all children between the ages of eight and sixteen, to establish industrial schools, equip and conduct the same, and to provide for the regulation of juvenile disorderly persons.

S. B. No. 34, by Kohrs: An act to amend section 2211 of the Code of Civil Procedure of the State of Montana, as amended by an act entitled, an act to amend section 2211, of Title 7, Chapter 1, Part 3, of the Code of Civil Procedure of the State of Montana, relating to eminent domain.

S. B. No. 53, by Kohrs: An act to amend section 2577 of the Penal Code of the State of Montana, relating to judgment against corporations convicted of a misdemeanor.

S. B. No. 36, by Kohrs: An act to amend section 674 of the Penal Code of Montana, relating to punishment for public nuisances.

S. B. No. 37. An act to amend section 4573 of the Civil Code of Montana, relating to actions for public nuisances.

S. B. No. 38, by Judiciary Committee: A bill for an act entitled an act to amend section 452 of the Code of Civil Procedure, and to confer upon the Supreme Court exclusive jurisdiction of proceedings and prosecutions for disbarment or suspension of attorneys and counselors at law; to provide for appeals to the Supreme Court from judgments rendered by District Courts in such cases; to provide for a stay of such judgments pending appeals, therefrom, and to regulate the proceedings on the trial of such appeals.

S. B. No. 39, by Tewey: A bill for an act entitled an act to extend the boundaries of Silver Bow County, Montana, and to alter the boundaries of Jefferson County, Montana, to conform thereto.

S. B. No. 40, by Whipple: A bill for an act to amend sections 3860 and 3866 of Article 2, Chapter 7, Title 3, of the Political Code of Montana, relating to collections of property tax, as amended by House Bill No. 49. Session Laws of 1899; also to amend sections 3867, 3868, 3871, 3872, 3873, and 3908, of Article 2, Title 3, of the Political Code of Montana.

S. B. No. 41, by Yegen: A bill for an act establishing a sub-experimental station of the Agricultural Experimental Station near Billings, Montana, and providing for the acquisition of title to the land for the same, and the direction thereof.

S. B. No. 42, by Kennedy: An act creating a Railroad & Warehouse Commission for the State of Montana, prescribing its powers and duties, providing for its compensation, and prescribing penalties for the violation of this act and rules for its enforcement.

Respectfully,

X. K. STOUT, Secretary."

THIRD READING OF HOUSE BILLS.

House Joint Memorial No. 1 was read third time and passed by the following vote:

Ayes: Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Burt, Dempster, Downey, Duggan, Dwight, Everett, Farmer, Faust, Flaherty, Gangner, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Linemann, Linderman, Lynch, Martin, Miller, Miles, Mullins, McCone, MacGinnis, Noble, O'Keefe, Pear-

son, Rice, Sales, Self, Schwend, Stadler, Stapleton, Story, Swindlehurst, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—59.
Nays, None.

House Bill No. 7. Moved by Word, seconded by Faust, that it be re-committed, on which a division was called for. Motion Carried. Bill referred to Committee on Judiciary.

House Bill No. 24 was read third time and passed by the following vote:
Ayes: Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Downey, Duggan, Dwight, Everett, Farmer, Faust, Flaherty, Gangner, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Linemann, Linderman, Lynch, Martin, Miller, Miles, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Pearson, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—71.
Nays, None.

House Bill No. 27 read third time and passed by the following vote:
Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Downey, Dwight, Everett, Farmer, Faust, Flaherty, Gangner, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Linemann, Linderman, Lynch, Martin, Miller, Miles, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pearson, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Lewis and Clarke, Woods, Woodworth, Word and Mr. Speaker—67.
Nays: Duggan, Mullins,—2.

House Bill No. 51 read third time and passed by the following vote:
Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Downey, Duggan, Dwight, Everett, Farmer, Faust, Flaherty, Gangner, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Linemann, Linderman, Lynch, Martin, Miller, Miles, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pearson, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word, and Mr. Speaker—69.
Nays: Axtell,—1.

House Bill No. 31, was read third time and passed by the following vote:
Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Downey, Duggan, Dwight, Everett, Farmer, Faust, Flaherty, Gangner, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Linemann, Linderman, Lynch, Martin, Miller, Miles, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pearson, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—71.
Nays, None.

On motion of Miller, seconded by King, at 4.35 P. M., the House adjourned until to-morrow at 10 o'clock A. M.

B. F. WHITE,
Speaker.

NATHAN GODFREY,
Chief Clerk.

TWENTY-FOURTH DAY

Wednesday, January 28, 1903.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called, all members present.

Morrissey absent under excuse.

Prayer by the Chaplain.

Journal of yesterday read and approved.

NOTICES OF BILLS.

The following notices were given:

By Self:—A bill for an act prohibiting the printing of the name of any candidate for public office on any official ballot more than once, and providing the manner by which it shall be determined under what party name or principle the name of each candidate shall be placed on the official ballots.

By O'Keefe:—A bill for an act to repeal sections 2982, 2983, 2984, 2985, 2986, 2987 and 2988 of Part III, Title I, of the Penal Code, relating to the State Prison.

By Miller:—A bill for an act to repeal an act of the Fifth Legislative Assembly of the State of Montana, entitled "An act to create a Board of Text Book Commissioners for the purpose of establishing a uniform system of text books for the public schools of Montana, and to regulate the supply of the same, defining the powers and duties of said Board and to appropriate for their expenses a sum of money therein named.

Also:—A bill for an act to amend section 4753 of the Political Code of the State of Montana, relating to the qualifications of Aldermen.

REPORTS OF STANDING COMMITTEES.

The following reports were made:

By Miller:—"Mr. Speaker:—We, your Committee on State Boards and Officers, to whom was referred House Bill No. 108 "A bill for an act to provide for the submission to the qualified electors of the State of Montana of an amendment to section 15 of Article XII of the constitution of the State of Montana, relating to State and County Boards of Equalization," having had same under consideration, beg leave to report same back to the House with the following amendment: That the word "be" be inserted in line 2 of Section 1, between the words "to" and "Held", and recommend that the bill as amended do pass." On motion of Word, seconded by Linderman, Report adopted.

By Linderman:—"Mr. Speaker:—We your Committee on Corporations other than Municipal, having had under consideration House Bill No. 85, have amended the same as follows: In section 1, Article 6, the word "may" stricken out and the word "must" inserted instead and beg leave to report same back to the House with the recommendation that it do pass as amended." On motion of Beaudry, seconded by Teal, report adopted.

By Buchanan:—"Mr. Speaker:—Your Committee on Printing begs leave to report House Bills Nos. 13, 36, 29, 112, and Sub. for H. B. No. 1, as having been returned correctly printed." Placed on General Orders.

INTRODUCTION OF BILLS.

The following bills were introduced:

By Swindlehurst:—H. B. No. 134. An act to repeal Section 1313, Part 2, Title 10, Chapter 3, of the Code of Civil Procedure of the State of Montana, and to provide for the recovery of the value of permanent improvements, which have been placed upon real estate by persons in possession thereof and holding the same in good faith and under color of title. Placed on file.

By Tolman:—H. B. No. 135. An act entitled an act to amend Section 3431 of the Political Code of the State of Montana, relating to state lands. Placed on file.

By Beaudry:—H. B. No. 136. An act relating to the fees of Justices of the Peace. Placed on file.

MOTIONS AND RESOLUTIONS.

By Rice:—"The following persons have been named as clerks for the Committee on Privileges & Elections, in accordance with the order of yesterday.

CLERKS FOR CONTESTANTS.

M. L. Holland,
David Lawrence,
T. L. Daly,
Fred Sterling.

CLERKS FOR CONTESTEES.

James Cammack,
Harry Kingsland,
James J. McGrath,
C. J. Geier.

Moved that the action of the committee in employing these persons be endorsed by the House." ADOPTED.

READING OF HOUSE BILLS.

H. B. No. 134, read first and second times, and referred to Committee on Judiciary.

H. B. No. 135, read first and second times, and referred to Committee on State Lands.

H. B. No. 136, read first and second times, and referred to Committee on Judiciary.

MESSAGES FROM THE SENATE.

The following messages were received:

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that the following Senate Bills were introduced and read first and second times:

S. B. No. 43, by Meyer: A bill for an act entitled an act to extend and define the boundaries of Carbon County and to alter the boundaries of Sweet Grass County to conform thereto, and to apportion the indebtedness of Sweet Grass County.

S. B. No. 44, by Johnson: A bill for an act entitled an act to amend section 1181 of Chapter 2, Part 3, Title 2, of the Political Code of the State of Montana, relating to the qualifications of voters.

S. B. No. 45, by Johnson:—A bill for an act to amend an act entitled an act to amend section 1209 of the Session Laws as amended by the Fifth Legislative Assembly of the State of Montana to conform with the provisions of Section 1181 of Chapter 2, Part 3, Title 2, of the Political Code of the State of Montana.

Senate Joint Memorial No. 2, introduced by Mahon, petitioning Congress for relief of holders of Forest Reserve Script.

Substitute for S. B. No. 12, introduced by Judiciary Committee: A bill for an act to amend sections 4644, 4646, 4652 and 4653 of the Political Code of the State of Montana, relating to the fees and mileage of jurors and witnesses.

Senate Joint Memorial No. 1, introduced by Mahon: Protesting against continued agitation favoring leasing of Government land.

Respectfully,

X. K. STOUT, Secretary."

On motion of Conner, the House resolved itself into a Committee of the Whole to consider General Orders, Allen in the chair.

House Resumed.

Mr. Speaker in the chair.

Allen, from Committee of the Whole, made the following report:

"Mr. Speaker:—Your Committee of the Whole beg leave to report that they have considered the following bills, and recommend as follows:

1. House Bill No. 10, typographical errors amended, and as amended, recommend that the bill do pass.

2. House Bill No. 45, recommend that it do pass.

3. House Bill No. 50, amend by striking out the word "by" and insert in lieu thereof the word "to". Also amend by adding after the words "Deputy Sheep Inspectors" in line 15, Section 2, the words "and detectives"; and that as amended it do pass." Report adopted.

Substitute for House Bill No. 10, House Bill No. 50 and House Bill No. 45, ordered engrossed.

On motion of Miller, at 11.50 A. M., the House took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

House re-assembled at 2 o'clock P. M.

Mr. Speaker in the chair.

Roll called, Quorum present.

On motion of Rice, seconded by Bever, permission was given to introduce the following motion: By Rice:

"I move that Committee Rooms numbers 3 and 4 be given to the Committee on Privileges and Election for their use temporarily." Carried.

The House resolved itself into Committee of the Whole.

Allen in the chair.

House Resumed.

Mr. Speaker in the chair.

Allen, from Committee of the Whole, made the following report:

"Mr. Speaker:—Your Committee of the Whole beg leave to report that they have had under consideration:

1st. House Bill No. 54, and recommend that it do pass.

2nd. House Bill No. 59, which they have amended by adding at the end of Section 4367 the words "provided always that this act shall in no wise repeal, affect or in any wise modify the provisions of an act entitled an act to permit foreign surety commissions to do business in this state, and regulating the method thereof"; and that as amended it do pass.

3rd. House Bill No. 74, and recommend that the same be referred to the Judiciary Committee." REPORT ADOPTED.

House Bills Nos. 54 and 59 ordered engrossed.

House Bill No. 74 referred to Committee on Judiciary.

The House resolved itself into Committee of the Whole.

Allen in the chair.

House Resumed.

Mr. Speaker in the chair.

Allen, from Committee of the Whole made the following report:

"Mr. Speaker:—Your Committee of the Whole have had under consideration the following bills, and make the following recommendations:

1st. Substitute for House Bill No. 3, recommend that it be referred to the Committee on Ways & Means.

2nd. House Bill No. 6; have amended the same by adding at the end of Section 1, the words "provided that the State Board of Equalization may in their discretion employ additional clerical assistance, if in their judgment the same at any time shall be required to properly transact the business of the Board, during the months when the Board is engaged in equalizing assessments"; and that as amended the bill do pass.

3rd. House Bill No. 32; recommend that it be referred to the Committee on Live Stock and Public Ranges." Report Adopted.

House Bill No. 6 ordered engrossed.

Sub. for House Bill No. 3 referred to Committee on Ways & Means.

House Bill No. 32 referred to Committee on Live Stock and Public Ranges.

On motion of Miller, at 4.50 P. M., the House adjourned until to-morrow at 10 o'clock A. M.

B. F. WHITE,
Speaker.

NATHAN GODFREY,
Chief Clerk.

TWENTY-FIFTH DAY

Thursday, January 29th, 1903.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called; all members present, except Morrissey, absent under excuse.

Prayer by the Chaplain.

Word was excused from attendance to-day.

Journal of yesterday read and approved.

Mr. Speaker announced that he had appointed the following as a committee to visit the State Penitentiary and the State Insane Asylum: Miles, Farmer, Giltinan, Williams and Lehson.

Mr. Speaker introduced several petitions praying for the passage of a bill providing for Initiative and Referendum.

A communication was read from the Montana Woman's Suffrage Association, announcing the appointment of ladies to address the House. Referred to Judiciary Committee.

Self moved that the House accord to the ladies one hour from 2 o'clock P. M. to address the House. Carried.

Self was appointed as a committee of one to inform the ladies of the action of the House.

A communication was received from H. L. Maury, protesting against any appropriation for the relief of H. L. Frank. On motion of Miller, seconded by Lynch, laid upon the table.

NOTICES OF BILLS.

The following notices were given:

By Pearson:—A bill for an act to repeal section 1704 of the Political Code, relating to the duties of the Superintendent of Public Instruction, and to amend section 1516 of the Political Code, relating to the powers and duties of the State Board of Education.

By Schwend:—A bill for an act to amend section 1412 of Chapter 10, Part 3, Title 2, of the Political Code, relating to elections.

REPORTS OF STANDING COMMITTEES.

The following reports were made:

By Conner: "Mr. Speaker:—Your Committee on Appropriations to whom was referred House Bill No. 89, a bill for an act entitled an act to appropriate money for the completing, furnishing and equipping certain buildings for the University of Montana, at Missoula, Montana, report same back with the recommendation that it do pass." Bill ordered printed.

By Graham:—"Mr. Speaker:—Your Committee on Labor, to whom was referred House Bill No. 39, introduced by Gangner, entitled, an act to provide for the payment of employees semi-monthly and the place where such payment shall be made, regulating the assignment of wages and providing a penalty for the violation thereof, beg leave to say that we have had same under consideration and report the same back with the recommendation that it be indefinitely postponed for the following reasons:

To carry out the provisions of Bill No. 39 would cost the company in the state of Montana thousands of dollars every year for extra clerical help and would confer no benefit on anyone. Any fair minded man would admit that there is not sufficient time to make up a pay roll between 5 P. M.

and mid-night. No man is so situated as to receive any injury from the fact that he gets paid for his work but once in thirty days. Every honest man can get credit if he needs it for any kind of goods that he may need for thirty days at the same price he would have to pay if he paid cash. Thirty days credit is the same as cash in our state. There is no condition within our knowledge anywhere in Montana that requires such legislation. In our opinion no self-respecting laboring man would want such legislation. It takes from the laboring man the right which every other citizen enjoys to make such contracts as he sees fit. This bill would bear exceptionally hard upon ranchers and others who do not at all times have ready money at their command. It frequently happens that ranchers find it necessary to employ men under agreement that the laborer shall be paid when the crop is harvested and sold. This would prohibit the laboring man from extending credit for his wages and taking a promissory note payable at a particular time, or in taking pay for his labor in any species of property that he might desire to acquire by means of his labor. It would work all sorts of vicious inconveniences to the labor and to the employer without any compensatory return to either. Section 2 of Bill No. 39 absolutely undertakes to prohibit the laborer from assigning his wages. This is often necessary for him to do to prevent being garnished. This would leave the creditor of the laboring man but one resource to collect his debt, and that would be to attach the laborer's wages, and thus cause the latter, in nine cases out of ten, to lose his job and his ability to pay. In our opinion this kind of legislation should never find its way upon the statute books. It is better to leave the employer and employee to make such contracts as they deem proper. Public opinion in this state will never permit the laboring man to be oppressed by the employer. The constitution and laws of this state at present throw around the laboring man all the safe-guards which he needs. The lien law of the State of Montana protects the laboring man in any kind of work that he may undertake in the State of Montana, so that he may always be assured that he will never be beat out of his pay. Such legislation as is asked for in this bill would prohibit a common man from contracting on a small basis and would be of no benefit to the laborer. Legislation in the direction of this bill would have the effect to characterize the laboring man as a weakling and as one who is not capable of acting in his own behalf. This is not the condition in Montana of the laboring man. He is intelligent, self-respecting and able to take care of himself, in respect to contracts made by him for the purpose of selling his labor as the employer himself is. We think that Bill No. 39 is clearly unconstitutional because it undertakes to take away from the laboring man the right to make such contracts as he may deem advisable for his own interests, and we have no doubt that the Supreme Court would hold it as unconstitutional. Such a law would be oppressive in the extreme, and would result in injustice; and we can see no good to come of it."

Wilson moved that the report be adopted. Beaudry moved, as an amendment, that the report be deferred for further consideration, until next Monday. A division being called for, the amendment was lost. Miller moved, as an amendment, that the bill be referred to the Committee on Judiciary, seconded by Allen, and carried. Bill referred to Committee on Judiciary.

By Graham: "Mr. Speaker:—Your Committee on Labor to whom was referred House Bill No. 38, introduced by Morrissey, entitled, an act entitled an act to secure the employees the payment of their wages in lawful money of the United States, and prescribing a penalty for the violation thereof, beg leave to say that we have had the same under consideration and report the same back with the recommendation that it be indefinitely postponed for the following reasons:

In our opinion this bill would be unconstitutional. It is intended as a sort of a company store bill, and we already have a law covering that subject. In the state of public opinion in Montana it is impossible for any company or corporation or individual to oppress his or its employees by compelling them to pay at company stores. It is impossible for legislation to go further in that line than it has already gone, without having the appearance of assuming a guardianship over the laboring man, which their condition will not warrant to be assumed, and without injuriously affect-

ing the laboring man. It is almost impossible to find a laboring man who does not have the ambition and hope to get beyond the condition of labor, and it is only by permitting them to have the same freedom of contract that other people have that he will ever be able to attain his hope. The sort of protection that is sought to be given him by this bill is no protection, but an absolute injury. It takes from him the right to make contracts, and the right to sell his labor except for cash, for when the employer is prohibited from contracting with him, the laborer is also prohibited from contracting with the employer. This sort of law would shut the laborer off from many avenues which are now open to him for employment. It frequently happens that men will employ labor if they can do so at least in part credit. The laborer may often obtain employment whereat he can be paid in that which is just as good to him as money, when if the law were as it is sought to be made by this bill, he could not obtain employment at all and must starve. This is not right. We are clearly of the opinion that if this bill should be enacted into the form of a law, it would accomplish nothing, because the courts would promptly hold it unconstitutional and void. It is not within the power of the Legislature to select one class of persons, like the laboring men, and so hedge them around with alleged protection, that they are precluded from making contracts which others may readily make, and in our opinion no friend of labor would ever advocate such law."

King moved, Lanstrum seconded, that report be adopted. Carried. Bill indefinitely postponed.

By Wilson of Cascade: "Mr. Speaker:—We, your Committee on Engrossment, beg leave to report that we have selected the following named persons as clerks, and respectfully ask that the House concur in such selection. The persons selected are Miss C. Kalb and Miss E. Forster." King moved, Dwight seconded, that the report be adopted. Carried.

INTRODUCTION OF BILLS.

The following bills were introduced:

By Committee on Appropriations: H. B. No. 137. An act appropriating money for the payment of the claim of Conley & McTague for care of prisoners of State Penitentiary at Deer Lodge. Placed on file.

By Committee on Appropriations: H. B. No. 138. An act appropriating money for the payment of the claim of the Butte Machinery & Specialty Company, account installation of heating plant State Penitentiary at Deer Lodge. Placed on file.

By Tolman: H. B. No. 139. An act to amend section 3866, Article 3, Chapter 2, Title 4, Part 4, of the Civil Code of Montana, relating to the renewal of mortgages of personal property. Placed on file.

By Graham: H. B. No. 140. A bill for an act relating to the fencing of railroad tracks and the protection of live stock from injuries thereon.

By Bray of Lewis and Clarke: H. B. No. 141. An act requiring the Board of County Commissioners in every county to conspicuously place signs at county road crossings and junctions giving the name of the place to which the roads lead, and providing a penalty for the destruction of any such sign boards. Placed on file.

By O'Keefe: H. B. No. 142. An act to repeal sections 2982, 2983, 2984, 2985, 2986, 2987, and 2988, of Part 3, Title 1, of the Penal Code, relating to the State Prison. Placed on file.

By Miller: H. B. No. 143. A bill for an act to repeal an act of the Fifth Legislative Assembly of the State of Montana, entitled an act to create a Board of Text Book Commissioners, for the purpose of establishing a uniform series of text books for the public schools of Montana, and to regulate the supply of the same, defining the duties and powers of said Board, and to appropriate for their expenses a sum of money therein named. Placed on file.

By Miller: H. B. No. 144. A bill for an act to amend section 4753 of the Political Code of the State of Montana, relating to the qualifications of Aldermen. Placed on file.

By Committee on Highways: H. B. No. 145. A bill for an act entitled an act for the establishment of a uniform system of road government and administration in the counties of the State of Montana, and to provide for the levy, collection and disposition of road tax, and providing penalties for the violation of the provisions of this act. Placed on file.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 137, read first and second times, and referred to Committee on State Institutions, Public Buildings & Grounds.

H. B. No. 138, read first and second times, and referred to Committee on State Institutions, Public Buildings & Grounds.

H. B. No. 139, read first and second times, and referred to Committee on Judiciary.

H. B. No. 140, read first and second times, and referred to Committee on Live Stock and Public Ranges.

H. B. No. 141, read first and second times, and referred to Committee on Townships and Counties.

H. B. No. 142 read first and second times, and referred to Committee on State Boards & Officers.

H. B. No. 143, read first and second times, and referred to Committee on Education.

H. B. No. 144, read first and second times, and referred to Committee on Affairs of Cities.

H. B. No. 145, on motion of King, Everett seconded, rules suspended and bill read first and second times by title only, and referred to Committee on Highways.

On motion of Noble, seconded by Bray of Lewis and Clarke, the House took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

House re-assembled at 2 o'clock P. M.

Mr. Speaker in the chair.

Roll called, Quorum present.

Conner moved that House take a recess until 3. 30 P. M.

Dwight moved, Lanstrum seconded, that the House take a recess until 3 o'clock P. M. upon which a division was called for. Carried.

House took a recess until 3 o'clock P. M.

House resumed at 3 o'clock P. M.

Mr. Speaker in the chair.

Roll called, quorum present.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that the following Senate Bill was this day introduced:

S. B. No. 46, by Meyer: A bill for an act entitled an act to amend section 3866, Article 3, Chapter 2, Title 14, Part 4, of the Civil Code of Montana, relating to the renewal of mortgages of personal property.

Also that the following House Bills were read first and second times:

H. B. No. 24, by Miller: A bill for an act to repeal sections 3698 and 3699 of the Political Code of the State of Montana, relating to the Board of Appraisers of real estate.

House Bill No. 27, by Vagg: A bill for an act to amend section 1510 of the Code of Civil Procedure of the State of Montana, relating to the service of summons issued from Justices courts.

H. B. No. 31, by Stapleton: A bill for an act to amend an act approved Feb. 19, 1897, entitled an act to amend section 3162 of the Code of Civil Procedure of the State of Montana, relating to witnesses.

H. B. No. 51, by Johnson: A bill for an act to amend section 913 of Article 3, Chapter 6, Title 3, of the Political Code of the State of Montana, relating to Notaries Public.

Also that, House Joint Memorial No. 1, by Bever, relative to the cession of the northerly part of the Crow Reservation to the United States, was read first and second times.

Also that, Senate Bills Nos. 14, 16, 25, 18, 15 and 24 were this day read third time and passed, and are herewith transmitted to the House for your concurrence.

Respectfully,

X. K. STOUT, Secretary."

GENERAL ORDERS.

House resolved itself into Committee of the Whole.

Word in the chair.

House resumed.

Mr. Speaker in the chair.

Word, from Committee of the Whole, made the following report:

"Mr. Speaker:—Your Committee of the Whole having under consideration House Bills Nos. 61, 75 and 15, beg leave to report as follows:

1st. Recommend that the words "railway station" be stricken from the title to House Bill No. 61, and the word "Locations" inserted in lieu thereof, and as amended that the bill do pass.

2nd. That House Bill No. 75 be passed as printed.

3rd. That House Bill No. 15 be amended by inserting in line 3 of Section 1, after the word "shall" the word "Not", and in line 4 strike out the words "As much" and insert in lieu thereof the word "any", and strike out all of that portion of said section after the word "government" in line 6, and that as so amended, the bill do pass." Report adopted.

Webb, from Committee on Rules & Joint Rules, made the following report:

"Mr. Speaker:—We your Committee on Rules and Joint Rules in conference with a like committee from the Senate, beg leave to recommend the adoption of Joint Rules for the government of the House and Senate of the Eighth Legislative Assembly."

Webb moved the adoption of the report.

Word moved that the report be referred back to Committee on Joint Rules to amend Rule 21. Carried.

House Bills Nos. 61, 75 and 15 ordered engrossed.

House resolved itself into Committee of the Whole.

Word in the chair.

House resumed.

Mr. Speaker in the chair.

Word, from Committee of the Whole, reported as follows:

"Mr. Speaker:—Your Committee of the Whole, having had under consideration House Bill No. 33, report the same back with the recommendation that the enacting clause thereof be stricken out." Report adopted.

On motion of Lynch, at 5.05 P. M., the House adjourned until to-morrow at 10 o'clock A. M.

B. R. WHITE,
Speaker.

NATHAN GODFREY,
Chief Clerk.

TWENTY-SIXTH DAY

Friday, January 30th, 1903.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called, all members present.

Morrissey absent under excuse.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Schwend made the following motion:—"I move to strike out that portion of the report of the Committee on Labor relating to House Bill No. 39, which reads as follows, to-wit: "no self-respecting laboring man would want such legislation," and that same be stricken from the records." Carried.

By Dempsey, a petition on Woman's Suffrage was introduced. Referred to Judiciary Committee.

NOTICES OF BILLS.

The following notices were given:

By Bever:—A bill entitled, an act to create a State Text Book Commission for the purpose of establishing and maintaining a uniform series of text books for the public schools of Montana; to regulate the supply of the same; define the duties and powers of said commission and appropriating a sum of money named therein for the expense of said commission.

By Story:—An act providing for free text books for the common schools of Montana, defining the method and manner of the distribution and care of the books, and providing for the purchase of the same.

By Hillman:—An act entitled an act to provide suitable burial for deceased soldiers, sailors and marines.

By Committee on Live Stock and Public Ranges:—A bill for an act approving claims Nos. 27483 and 27501 and providing for payment thereof.

REPORTS OF STANDING COMMITTEES.

The following reports were made:

By Story:—"Mr. Speaker:—Your committee on Education to whom was referred House Bill No. 26, an act entitled an act to amend section 2345 of the Political Code of Montana, relative to taking annual census of the Deaf, Blind and Feeble Minded of the State of Montana, respectfully report the same back to the House with the recommendation that it do pass." Referred to Committee on Printing.

By Woodworth:—"Mr. Speaker:—We your Committee on Highways to whom was referred House Bill No. 145, beg leave to report that we have had the same under consideration and report said bill back to the House with the recommendation that it do pass."

Referred to Committee on Printing.

By Self:—"Mr. Speaker:—A majority of your Committee on Judiciary to whom was referred House Bill No. 8, entitled "An act providing for the submission to the qualified electors of the state of Montana, for their approval or rejection, an amendment to section 2, Article IX of the constitution of the State of Montana, relative to the rights of suffrage", beg leave to say that they have had said bill under consideration and report the same back to the House with the recommendation that said bill be referred to the Printing Committee, and then placed on General Orders." Referred to Committee on Printing.

By Story:—"Mr. Speaker: Your Committee on Education to whom was referred House Bill No. 35, a bill for an act entitled "An act making the education of the deaf and blind of the State of Montana compulsory and to provide for the enforcement thereof", respectfully report the same back to the House with the recommendation that it do pass." Referred to Committee on Printing.

By McCone:—"Mr. Speaker:—Your Committee on Live Stock & Public Ranges to whom was referred House Joint Memorial No. 3, relating to the time limit under which cattle may be carried on board of cars without the necessity of unloading for feed and water, report the same back to the House with the recommendation that it do pass." Referred to Committee on Printing.

By McCone:—"Mr. Speaker:—Your Committee on Live Stock and Public Ranges to whom was referred House Joint Memorial No. 4, praying for the relief of certain citizens of the State of Montana who have located Forest Reserve timber selections in certain portions of Choteau, Teton and Valley counties in what was the Blackfoot Indian Reservation, report the same back

to the House with the recommendation that it do pass." Referred to Committee on Printing.

By McCone:—"Mr. Speaker:—Your Committee on Live Stock and Public Ranges to whom was referred House Joint Memorial No. 2, relating to the opening for settlement of the Absarokee Forest Reserve, report the same back with the recommendation that it do pass." Referred to Printing Committee.

By McCone:—"Mr. Speaker:—Your Committee on Live Stock and Public Ranges to whom was referred House Bill No. 96, a bill for an act to amend sections 2900 and 2902 of the Political Code of the State of Montana relating to lost and unclaimed property, report the same back to the House with the recommendation that it do pass." Referred to Committee on Printing.

By McCone:—"Mr. Speaker:—Your Committee on Live Stock and Public Ranges to whom was referred House Bill No. 82, a bill for an act to amend section 1 of an act of the Seventh Legislative Assembly entitled, an act to amend sections 1, 2, 3 and 4 of an act of the Sixth Legislative Assembly entitled an act to protect the owners of horses and to cause the inspection of the same, beg leave to report the same back to the House with the recommendation that it be indefinitely postponed." On motion of Hilger, seconded by McCone, the report was adopted. Bill indefinitely postponed.

By McCone:—"Mr. Speaker:—Your Committee on Live Stock and Public Ranges to whom was referred House Bill No. 21, "a bill for an act entitled an act to provide a penalty for taking up, riding and working certain animals without due authority", beg leave to report same back to the House with the recommendation that it be indefinitely postponed." On motion of McCone, seconded by Conner, report adopted. Bill indefinitely postponed.

By McCone:—"Mr. Speaker:—Your Committee on Live Stock and Public Ranges, to whom was referred House Bill No. 53, "a bill for an act entitled an act to define the word "estrays" and provide a penalty for the taking up, using or disposing of estrays upon the public domains", beg to recommend that said bill be amended by adding after the word "section", in Section 2 the following words: "or any animal as above described of which he is not the owner". We recommend that said bill as amended do pass." On motion of Conner, report adopted, and bill referred to Committee on Printing.

By Lanstrum:—"Mr. Speaker:—Your Committee on Ways & Means to whom was referred House Bill No. 119, "A bill for an act fixing the fees of the Secretary of State for filing articles of Sole and other religious and benevolent corporations", respectfully report that we herewith present substitute for House Bill No. 119 and recommend that substitute do pass." On motion of Tolman, seconded by MacDonald, Substitute for House Bill No. 119 was adopted and referred to Committee on Printing.

By Buchanan:—"Mr. Speaker:—Your Committee on Printing begs leave to report that it is in need of another clerk, and has selected Miss Lizzie Murphy for that position." Miller moved to postpone the consideration of the report—Lost. On motion of Axtell, seconded by Wilson of Cascade, the report was adopted.

Rice introduced the following:—"Mr. Speaker:—I move that the Committee on Privileges and Elections be allowed to employ an assistant Sergeant-at-Arms, that same be paid at public expense, and that E. C. Sampson be said employee." Adopted.

INTRODUCTION OF BILLS.

The following bills were introduced:

H. B. No. 146, by Pearson: An act to repeal section 1704 of the Political Code, relating to the duties of Superintendent of Public Instruction, and to amend section 1516 of the Political Code, relating to the powers and duties of the State Board of Education. Placed on file.

By Whiteley: H. B. No. 147. A bill for an act to authorize and empower directors of School Districts and Boards of Education, in incorporated cities, towns and villages, to direct what text books and apparatus shall be used

in the schools under their charge, and to purchase school text books, apparatus and supplies, and to sell the said school text books to the pupils at cost, or to supply them to the pupils free of cost. Placed on file.

By Pearson: H. B. No. 148. An act to amend an act entitled "An act to secure the employes the payment of their wages in lawful money of the United States, prohibiting the assignment of their wages to their employes, and prohibiting payment of their wages except as provided in this act, and prescribing a penalty for the violation thereof. Placed on file.

By Self: H. B. No. 149. A bill for an act to create Paradise County, to define its boundaries, to provide for its organization and government, and to alter the boundaries of Missoula County to conform to the boundaries of Paradise County. Placed on file.

By Shannon: H. B. No. 150. A bill for an act to provide for operating mines when the working of such mines has been prevented by injunction and restraining order. Placed on file.

Miller introduced the following:

"Resolved that the Chief Clerk be directed to report how many clerks are now on the pay-roll, how many are assigned to committees, how many are unemployed much of the time and whether the services of some we already have could not be dispensed with." Consideration of resolution deferred until to-morrow, under the rules.

READING OF SENATE BILLS.

S. B. No. 15, read first and second times, and referred to Committee on Education.

S. B. No. 18, read first and second times, and referred to Committee on Railways and Transportation.

S. B. No. 16, read first and second times, and referred to Committee on Live Stock and Public Ranges.

S. B. No. 14, read first and second times, and referred to Committee on Education.

S. B. No. 25, read first and second times, and referred to Committee on Corporations other than Municipal.

S. B. No. 24, read first and second times, and referred to Committee on Judiciary.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 146, read first and second times, and referred to Committee on Education.

H. B. No. 147, read first and second times, and referred to Committee on Education.

H. B. No. 148, read first and second times, and referred to Committee on Labor.

H. B. No. 149, read first and second times, and referred to Committee on Townships and Counties.

H. B. No. 150, read first and second times, and referred to Committee on Judiciary.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that the following bills were introduced and read first and second times:

S. B. No. 46, by Meyer: A bill for an act entitled an act to amend section 3866, Article 3, Chapter 2, Title 14, Part 4 of the Civil Code of Montana, relating to the renewal of mortgages of personal property.

S. B. No. 47, By Cullen: A bill for an act entitled an act authorizing Receivers, Assignees, Trustees, Guardians, Executors, Administrators or Curators of any persons holding positions of judicial trust to include as a part of the lawful expense of executing their trust the cost of procuring

bonds, and also providing for the payment of such cost under certain conditions, by city or county authorities.

Also, that notice of introduction of bills was given as follows:

By Donlan:—An act to repeal an act entitled "An act to create a Board of Text Book Commissioners for the purpose of establishing a uniform series of text books for the public schools of Montana.

Also, that the following Senate Bills were read third time and passed, and are herewith transmitted to your Honorable body for your concurrence:—Senate Bills Nos. 13, 20 and 23.

Also that House Joint Memorial No. 1 was read third time and concurred in and is herewith transmitted.

Respectfully,

X. K. STOUT, Secretary."

Senate Bills Nos. 13, 20 and 23, placed on file.

H. J. M. No. 1, referred to Committee on Enrollment.

Story, Martin, Sales, Tolman, Hefferlin, Hilger and Owen were excused from attendance until Monday.

On motion of Conner, at 11.40 A. M., the House took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

House re-assembled at 2 o'clock P. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

GENERAL ORDERS.

The House resolved itself into a Committee of the Whole.

Lynch in the chair.

House Resumed.

Mr. Speaker in the chair.

Lynch, from Committee of the Whole, reported as follows:

"Mr. Speaker:—Your Committee of the Whole have had under consideration the following bills, and recommend as follows:

1st. H. B. No. 49; recommend that it be referred to the Committee on Highways.

2nd. H. B. No. 71; recommend that the enacting clause be stricken out.

3rd. H. B. No. 93; that they have amended the same by inserting in line 6, Section 1, after the word "district", the words "provided there is another judge in the same district who is not disqualified to act, in which case such motion shall be made before another judge in the same district" and recommend that as amended, it do pass." Report adopted.

House Bill No. 49 referred to Committee on Highways.

House Bill No. 71, enacting clause stricken out.

House Bill No. 93, ordered engrossed.

The House resolved itself into Committee of the Whole.

Lynch in the chair.

House Resumed.

Mr. Speaker in the chair.

Lynch, from Committee of the Whole, reported as follows:

"Mr. Speaker:—Your Committee of the Whole beg leave to report that they have had under consideration the following bills and recommend as follows:

1st. House Bill No. 95; recommend that the enacting clause be stricken out.

2nd. House Bill No. 13; that they have amended the same by inserting "the" after the word "that", in line 1, Section 1; and recommend that as amended it do pass.

3rd. House Bill No. 36; recommend that it do pass." Report adopted.

H. B. No. 95, enacting clause stricken out.

H. B. No. 13, ordered engrossed.

H. B. No. 36, ordered engrossed.

The House resolved itself into a Committee of the Whole.

Lynch in the chair.

House Resumed.

Mr. Speaker in the chair.

Lynch, from Committee of the Whole, reported as follows:

"Mr. Speaker:—Your Committee of the Whole beg leave to report that they have had under consideration the following bills and recommend as follows:

1st. Sub. for H. B. No. 1; recommend that the bill do pass.

2nd. H. B. No. 29; have amended the same, by making the word "resident" in line 5, Section 1, read "residents" and striking out the word "freeholders"; and as so amended, that the bill do pass."

3rd. H. B. No. 112; recommend that the bill do pass." Report adopted.

Sub. for H. B. No. 1, ordered engrossed.

H. B. No. 29, ordered engrossed.

H. B. No. 112, ordered engrossed.

On motion of Conner, seconded by Lynch, the rules were suspended and House Bill No. 112 considered engrossed, read third time, and passed by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Brownlee, Buchanan, Burt, Conner, Dempster, Downey, Duggan, Dwight, Everett, Farmer, Faust, Flaherty, Gangner, Gilitinan, Graham, Harrison, Hilger, Hilman, King, Lancaster, Lanstrum, Lehsou, Linemann, Linderman, Lynch, Miller, Miles, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Pearson, Pelletier, Rice, Self, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—63.

Nays, None.

Noble excused until Wednesday.

Allen moved that when the House adjourns, it do adjourn to meet tomorrow at 10 o'clock A. M.

Duggan moved, as an amendment, that when the House adjourns, it do adjourn until 2 o'clock P. M. on Monday, upon which a division was called, and amendment carried.

Mr. Speaker announced that he was about to sign House Joint Memorial No. 1, relating to the Crow Reservation.

Rice offered the following:

"Mr. Speaker:—The Chief Clerk informs me that Night Watchman B. F. Hooper is sleeping on his post, and is not fulfilling his duties as watchman, and that he, as Chief Clerk, is unwilling to be responsible for valuable papers in his possession with this man on duty. I therefore move you that he be relieved from duty, and J. E. Templeton be made Night Watchman of this House, and placed on pay roll." A division being called for, motion carried.

On motion of Miller, at 4.40 P. M., the House adjourned.

B. F. WHITE,

Speaker.

NATHAN GODFREY,

Chief Clerk.

TWENTY-NINTH DAY

Monday, February 2nd, 1903.

House met pursuant to adjournment at 2 o'clock P. M.

Mr. Speaker in the chair.

Roll called, all members present except McCone, Noble and Morrissey, absent under excuse.

Prayer by the Chaplain.

Journal of previous day read and approved.

COMMUNICATIONS AND PETITIONS.

A petition from citizens of Bitter Root, asking that the system of game wardens be abolished, was received. Referred to Committee on Fish & Game.

Petitions were received from citizens of the State, asking for direct legislation. Referred to Committee on Judiciary.

Petitions were received from citizens of Missoula County, protesting against the formation of Paradise County. Referred to Committee on Townships & Counties.

NOTICES OF BILLS.

The following notices were given:

By Woodworth:—A bill for an act appropriating money for the payment of claims of certain persons and corporations for account of services rendered and supplies furnished to the State Normal School at Dillon, Montana, during the fiscal year 1902 for which no appropriation had previously been made.

By Bray of Lewis and Clarke:—A bill entitled an act providing for the establishment of a Montana State Fair, for the appointment of a Board of Directors, Executive Committee, and other officers, for the conduct and management thereof, and appropriating money therefor.

By Lancaster:—A bill for the closing of saloons on Sunday.

By Everett:—A bill for an act entitled an act to appoint the Entomologist of the Experimental Station, State Entomologist, and appropriate money for his travelling expenses.

By Conner:—A bill for an act appropriating money for the payment of the claim of the State Publishing Company, account furnishing supplies to State Boards and officers during the year 1900.

By Wilson of Cascade:—A bill governing the inspection of Brick, Stone and Concrete work in the State of Montana.

By Hilger:—A bill for an act to protect the owners of real estate, and claimants under any of the land laws of the United States, and lessees of State lands, from trespass by depredation or injury from live stock held in herd.

By Faust:—A bill for an act to amend section 1703 of the Political Code of the State of Montana, relating to duties of the Superintendent of Public Instruction.

Also, a bill for an act to amend section 1733 of the Political Code of the State of Montana, relating to the duties of County Superintendents.

By Rice:—A bill to change the spelling of the word Choteau as applied to Choteau County.

Also, a bill for an act to authorize the Board of Stock Commissioners of the State of Montana to sell and transfer stray horses and cattle shipped out of the state, and to receive and disburse the proceeds thereof.

By Word:—A bill for an act to create a State Board of Agriculture for the purpose of fostering and promoting agriculture, horticulture, stock raising, manufacturing and domestic arts, and to define the duties and powers of such board.

By Whitely:—A bill for an act, to provide for the election of Coal Mine Inspector and defining his qualifications, powers, duties and compensation.

By Pelletier:—A bill for an act entitled an act to amend section 4597, Chapter 4, Title 2, Part 4, of the Political Code of Montana, relating to the number of deputies and salaries of such deputies, of the Clerk of the District Court, and the Sheriff.

REPORTS OF STANDING COMMITTEES.

By Buchanan:—"Mr. Speaker:—Your Committee on Printing begs leave to report House Bills Nos. 22, 57, 85, 108 and 89 as having been returned correctly printed."

By Wilson of Cascade:—"Mr. Speaker:—We your Committee on Engrossment beg leave to report House Bills Nos. 75, 61, 15, 6, 59, 54, 45, 10 and 50 as correctly engrossed."

By Pearson:—"Mr. Speaker:—We your Committee on State Institutions, Public Buildings and Grounds, having had under consideration House Bill No. 115, beg leave to report the same back to the House with a recommendation that it do pass." H. B. No. 115 ordered printed.

By Pearson:—"Mr. Speaker:—We your Committee on State Institutions, Public Buildings and Grounds, having had under consideration Senate Bill No. 3, beg leave to report the same back to the House with a recommendation that it do pass." Referred to General Orders.

By Pearson:—"Mr. Speaker:—We your Committee on State Institutions, Public Buildings and Grounds, having had under consideration Senate Bill No. 4, beg leave to report the same back to the House with a recommendation that it do pass." Referred to General Orders.

By Graham:—"Mr. Speaker:—Your Committee to whom was referred House Bill No. 98, introduced by Whiteley, entitled "An act regulating the sale of prison made goods in the State of Montana, and providing a penalty for the violation thereof," have had the same bill under consideration and beg leave to submit substitute bill and recommend that the same do pass." Referred to General Orders.

By Conner:—"Mr. Speaker:—Your Committee on Appropriation to whom was referred House Bill No. 86, a bill for an act entitled an act to appropriate to J. M. Page the sum of Six Hundred and Eighty-five Dollars and eighty-four cents, for services rendered the State of Montana as State Land Agent from August 7th, 1897, to October 25, 1897, inclusive, report same back with the recommendation that it do pass." Referred to Printing Committee.

By Self:—"Mr. Speaker:—Your Committee on Judiciary to whom was referred House Bill No. 121, introduced by Beaudry, entitled an act to amend section 4911, Article 6, Chapter 3, Title 3, Part 4, of the Political Code of the State of Montana, relating to the jurisdiction of police courts, beg leave to say that we have had the same under consideration, and report the same back to the House with the recommendation that it do pass. Referred to Printing Committee.

By Self:—"Mr. Speaker:—Your committee on Judiciary to whom was referred House Bill No. 136, introduced by Beaudry, entitled "An act relating to the fees of Justices of the Peace," beg leave to say that they have had said bill under consideration, and report the same back to the House with the recommendation that it do pass." Referred to Printing Committee.

By Self:—"Mr. Speaker:—A majority of your Committee on Judiciary, to whom was referred House Bill No. 39, introduced by Gangner, entitled "An act providing for the payment of employes semi-monthly, and the place where such payment shall be made, regulating the assignment of wages and provide penalty for the violation thereof", beg leave to say that we have had the same under consideration, and report the said bill back to the House with the recommendation that the further consideration be indefinitely postponed."

By Dempster:—"Mr. Speaker:—I, a minority of your Committee on Judiciary, beg leave to report back H. B. No. 39, relative to a semi-monthly pay day, with recommendation that the same do pass."

Ward moved, seconded by Self, that the majority report be adopted.

Schwend moved, Dempster seconded, as an amendment that the minority report be adopted.

Roll called on amendment, and the minority report rejected by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Dempster, Downey, Duggan, Dwight, Farmer, Flaherty, Gangner, Hilger, Hilman, Lanstrum, Linemann, Lynch, Martin, MacDonald, MacGinniss, O'Keefe, Pelletier, Schwend, Shannon, Stadler, Stapleton, Swindlehurst, Tolman, Whiteley, Wood, Word—33.

Noes:—Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Everett, Faust, Gilman, Graham, Harrison, Hefferlin, Johnson, King, Lancaster, Lehsou, Linderman, Miller, Morrissey, Mullins, Owen, Rice, Sales, Self, Story, Sykes, Teal, Tooley, Vagg, Webb, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Woodworth, Mr. Speaker—35.

Majority report was adopted by the following vote:—

Ayes:—Allen, Axtell, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Everett, Faust, Giltinan, Graham, Harrison, Hefferlin, Johnson, King, Lancaster, Lehsou, Linderman, Martin, Miles, McCone, Owen, Rice, Sales, Self, Story, Sykes, Teal, Tooley, Vagg, Webb, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Woodworth, Word, Mr. Speaker—38.

Noes:—Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Dempster, Downey, Duggan, Dwight, Farmer, Flaherty, Gangner, Hilger, Hilman, Lanstrum, Linemann, Lynch, Miller, Mullins, MacDonald, MacGinniss, O'Keefe, Pelletier, Schwend, Shannon, Stadler, Stapleton, Swindlehurst, Tolman, Whiteley, Wood—31.

Axtell gave notice of motion to reconsider vote on majority report.

By Brownlee:—"Mr. Speaker:—Your Committee on Townships & Counties to whom was referred House Bill No. 23, a bill for an act to amend section 4602 of the Political Code of the State of Montana, relating to deputies of county officers, beg leave to report the following substitute.—Substitute for House Bill No. 23:—A bill for an act entitled "An act relative to number of assistant and deputy county attorneys in counties of the first and second class, and allowing county commissioners to fix the compensation thereof", approved March 4, 1901, and recommend that the same do pass."

On motion of Miller, the substitute for House Bill No. 23, was adopted, and referred to printing committee.

By Graham:—"Mr. Speaker:—Your committee to whom was referred House Bill No. 55, introduced by Axtell, entitled an act providing for the submission to the electors of the State of Montana, for their approval or rejection, amendments to article 18 of the constitution of the State of Montana, relating to labor, by adding thereto six new sections, have had this bill under consideration, and beg leave to submit a substitute bill, and recommend that same do pass." On motion of Dempster, the substitute bill was adopted and referred to Committee on Printing.

By Self: "Mr. Speaker: Your Committee on Judiciary, to whom was referred House Bill No. 91, introduced by Noble, entitled an act to prevent the shooting of human beings by persons in pursuit of game and game birds, beg leave to say that we have had same under consideration, and report said bill back with the recommendation that the further consideration thereof be indefinitely postponed." Report adopted and bill indefinitely postponed.

By Self: "Mr. Speaker: Your Committee on Judiciary to whom was referred House Bill No. 88, introduced by Word, entitled a bill for an act to prescribe the method of the publication of the laws of the Legislative Assemblies of the State of Montana, beg leave to say that we have had said bill under consideration and submit herewith a substitute therefor, and recommend that said substitute do pass." On motion of Miller, substitute adopted and referred to Printing Committee.

INTRODUCTION OF BILLS.

The following bills were introduced:

By Bever:—H. B. No. 151. An act to create the State Text Book Commission, for the purpose of adopting and maintaining a uniform series of text books for the public schools of Montana, to regulate the price of same, define the duties and powers of such commission and appropriating a sum of money named therein for the expense of said commission. Placed on file.

By Bever: H. B. No. 152. An act to repeal sections 2840, 2841 and 2843 of Article 16, Part 3, Title 6 of the Political Code of the State of Montana, relating to toll roads and bridges. Placed on file.

By Everett: H. B. No. 153. An act to provide for submission to the electors of the State of Montana, of an amendment to section 3, of Article 6, of the constitution, relating to the taxation of mines and mining claims. Placed on file.

By Self: H. B. No. 154. A bill for an act prohibiting the printing of the name of any candidate for public office on any official ballot more than once, and providing the manner by which it shall be determined under

what party name or principle the name of each candidate shall be placed upon the official ballot. Placed on file.

B. Hilman: H. B. No. 155. An act entitled an act to provide suitable burial for deceased soldiers, sailors and marines. Placed on file.

By Schwend: H. B. No. 156. A bill for an act to amend section 1412 of Chapter 10, Part 3, Title 2, of the Political Code, relating to elections. Placed on file.

MOTIONS AND RESOLUTIONS.

Miller introduced the following:

"Mr. Speaker:—I move that a committee of three be appointed by the chair, whose duty it shall be to investigate and report to the house the full number of committee clerks now in the employ of the House (aside from those engaged by the Committee on Privileges and Elections, specially employed in counting the votes in Silver Bow County) how much of their time is fully occupied, what are their qualifications, and how many can be dispensed with without injuring the public service."

A roll call was demanded upon its adoption, with the following result:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Conner, Dempster, Dwight, Everett, Faust, Flaherty, Gangner, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lehsou, Linderman, Lynch, Miller, Miles, McCone, MacDonald, O'Keefe, Owen, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—60.

Nays:—Duggan, Farmer, Linemann, Mullins—4. Resolution carried.

READING OF SENATE BILLS.

S. B. No. 13, read first and second times and referred to Committee on Insurance.

S. B. No. 20, read first and second times, and referred to Committee on State Boards and Officers.

S. B. No. 23, read first and second times, and referred to Committee on State Boards and Officers.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 151, read first and second times, and referred to Committee on Education.

H. B. No. 152, read first and second times, and referred to Committee on Highways.

H. B. No. 153, read first and second times, and referred to Committee on Mines and Mining.

H. B. No. 154, read first and second times, and referred to Committee on Privileges and Elections.

H. B. No. 155, read first and second times, and referred to Committee on Military affairs.

H. B. No. 156, read first and second times, and referred to Committee on Privileges and Elections.

MESSAGES FROM THE GOVERNOR AND SENATE.

A communication was received from the Governor, transmitting claims disapproved by the Board of Examiners. Referred to Committee on Appropriations.

The following messages were received from the Senate:

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that notices of the introduction of bills were given as follows:

By Bourne:—A bill entitled an act providing for the submission to

the qualified electors of the State of Montana, of an amendment to section 3 of Article 12, of the constitution, relating to taxation of mines and mining claims.

By Maddox:—A bill to provide for the settlement of bills of exception taken before or at the trial in criminal cases, and to provide for review by the Supreme Court on appeal of proceedings, evidence or matters contained in such bills of exception.

By Murray:—A bill for an act entitled an act to regulate the appropriation of water in streams in which the rights therein have been adjudicated.

By Murray:—A bill for an act to create a State Text Book Commission for the purpose of adopting and maintaining a uniform series of text books for the public schools of Montana; to regulate the price of same; define the duties and powers of such commission, and appropriating a sum of money named therein for the expenses of said commission.

Also, the following bills were introduced and read first and second times:

S. B. No. 48, by Biggs: An act to amend sections 4811 and 4812 of Article 4, of Chapter 3, Title 3, Part 4, of the Political Code of the State of Montana, relating to the legislative powers of cities and towns.

S. B. No. 49, by Biggs: An act to create a State Board of Agriculture, for the purpose of fostering and promoting agriculture, horticulture, stock raising, manufacturing and domestic arts, and to define the duties and powers of such Board.

S. B. No. 50, by Donlan: An act to create a Board of Text Book Commissioners, for the purpose of establishing a uniform series of text books for the public schools of Montana, and to regulate the supply of the same, defining the duties and powers of said board, and to appropriate for their expenses a sum of money therein named.

Senate Joint Memorial No. 3, by Ralston, relative to dead and fallen timber on the Lewis and Clarke Reserve.

Also, I am directed by the Senate to inform your Honorable body that the Judiciary Committee of the Senate reports that House Bills Nos. 27 and 51 be not concurred in. The report was adopted and bills are herewith transmitted to the House.

Respectfully,

X. K. STOUT, Secretary."

THIRD READING OF BILLS.

House Bill No. 50, was read third time and passed by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Downey, Duggan, Dwight, Everett, Farmer, Faust, Flaherty, Gangner, Giltinan, Graham, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Linemann, Linderman, Lynch, Martin, Miller, Miles, Mullins, McCone, MacDonald, MacGinniss, O'Keefe, Owen, Rice, Sales, Self, Schwend, Stadler, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word, Mr. Speaker:—63.

Nays, None.

Substitute for House Bill No. 10 was read third time and passed by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Downey, Duggan, Dwight, Everett, Farmer, Faust, Flaherty, Gangner, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Linemann, Linderman, Lynch, Martin, Miller, Miles, Mullins, McCone, MacDonald, MacGinniss, O'Keefe, Owen, Rice, Sales, Self, Schwend, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word, Mr. Speaker:—61.

Nays, None.

House Bill No. 45 was read third time and passed by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Brownlee, Burt, Cannon, Conner, Dempster, Downey, Duggan, Dwight, Everett, Farmer, Faust, Flaherty, Gangner, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Linemann, Linderman, Lynch, Martin, Miller, Miles, Mullins, McCone, MacDonald, MacGinniss, O'Keefe, Owen, Rice, Sales, Self, Schwend, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—62.

Nays, None.

House Bill No. 54, read third time and passed by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Brownlee, Burt, Conner, Dempster, Downey, Duggan, Dwight, Everett, Farmer, Faust, Flaherty, Gangner, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Linemann, Linderman, Lynch, Martin, Miller, Miles, Mullins, McCone, MacDonald, MacGinniss, O'Keefe, Owen, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word, and Mr. Speaker—65.

Nays, None.

House Bill No. 6 was read third time. Rice moved, Hilger seconded, that the bill be recommitted.

Miller moved to lay the motion to recommit on the table, on which a roll call was demanded with the following result:

Ayes:—Bray of Lewis and Clarke, Benson, Bever, Brownlee, Cannon, Conner, Faust, Giltinan, Harrison, Johnson, Hilman, Lancaster, Lanstrum, Lehsou, Martin, Miller, McCone, Sales, Self, Stadler, Tolman, Wilson of Lewis and Clarke, Woodworth,—23.

Nays:—Allen, Axtell, Bray of Rosebud, Beaudry, Buchanan, Burt, Dempster, Downey, Duggan, Dwight, Everett, Farmer, Flaherty, Gangner, Graham, Hefferlin, Hilger, King, Linemann, Linderman, Lynch, Miles, Mullins, MacDonald, MacGinniss, O'Keefe, Owen, Pelletier, Rice, Schwend, Shannon, Stapleton, Story, Swindlehurst, Teal, Tooley, Vagg, Webb, Whiteley, Wilson of Cascade, Wood, Word, Mr. Speaker—40.

The motion was lost.

Miller moved that the House adjourn. Lost.

The motion recurring upon the recommitment of the bill, the roll was called with the following result:

Ayes:—Allen, Arthur, Axtell, Bray of Rosebud, Beaudry, Buchanan, Burt, Dempster, Downey, Everett, Farmer, Flaherty, Gangner, Graham, Hilger, King, Linemann, Linderman, Lynch, Mullins, MacGinniss, O'Keefe, Owen, Pearson, Pelletier, Rice, Schwend, Shannon, Stapleton, Swindlehurst, Webb, Whiteley, Williams, Wilson of Cascade, Wood, Word—36.

Nays:—Bray of Lewis and Clarke, Benson, Bever, Brownlee, Cannon, Conner, Duggan, Dwight, Faust, Giltinan, Harrison, Hefferlin, Hilman, Johnson, Lancaster, Lanstrum, Lehsou, Martin, Miller, Miles, McCone, MacDonald, Sales, Self, Stadler, Story, Sykes, Tolman, Tooley, Vagg, Wilson of Lewis and Clarke, Woodworth and Mr. Speaker.—33.

Motion to recommit carried.

House bill No. 59 read third time and passed by the following vote:—

Ayes:—Allen, Arthur, Axtell, Bray of Lewis & Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Downey, Duggan, Dwight, Everett, Farmer, Faust, Flaherty, Gangner, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Linemann, Linderman, Lynch, Martin, Miller, Miles, Mullins, McCone, MacDonald, MacGinniss, O'Keefe, Owen, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—67.

Noes, None.

On motion of Beaudry, at 5.00 P. M., the House adjourned until tomorrow at 10 o'clock A. M.

B. F. WHITE,
Speaker.

NATHAN GODFREY,
Chief Clerk.

THIRTIETH DAY

Tuesday, February 3rd, 1903.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called, and all members present except Downey, Lanstrum and Noble.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

Self moved, Graham seconded, that when the House takes a recess at the end of the present session, it do adjourn to meet to-morrow at 10 o'clock A. M.—Carried.

Mr. Speaker announced as members of the Special Committee appointed to investigate matter of clerks, King, Giltinan, and Axtell.

NOTICES OF BILLS.

By Williams:—A bill for an act entitled an act appropriating money for purchasing and placing metallic fixtures and shelving for the Historical and Miscellaneous Department of the State Library.

By O'Keefe:—A bill for an act to regulate the practice of medicine in the State of Montana, and establishing a legal scale of charges for services rendered by medical practitioners.

By Lynch:—A bill for an act to amend section 3701 of the Political Code, relating to taxation.

REPORTS OF STANDING COMMITTEES.

The following report was made:

By Wilson of Cascade:—"Mr. Speaker:—We your Committee on Engrossment, beg leave to report House Bills Nos. 29, 13, 36, 93, and Substitute for House Bill No. 1 as correctly engrossed."

INTRODUCTION OF BILLS.

The following bills were introduced:

By Hilger:—H. B. No. 157. A bill for an act to protect the owners of real estate, and claimants under any of the land laws of the United States, and lessees of state lands, from trespass by depredation or injury from live stock held in herds. Placed on file.

By Word:—H. B. No. 158. A bill for an act to create a State Board of Agriculture for the purpose of fostering and promoting agriculture, horticulture, stock raising, manufacturing and domestic arts, and to define the powers and duties of such board. Placed on file.

By Woodworth:—H. B. No. 159. A bill for an act appropriating money for the payment of claims of certain persons and corporations for account of services rendered and supplies furnished for the State Normal School at Dillon, during the year 1902, for which no appropriation had previously been made. Placed on file.

By Lancaster:—H. B. No. 160. A bill for an act entitled an act to close saloons between the hours of 12 o'clock Saturday night and 6 o'clock the following Sunday morning; and to provide a penalty for the violation of this act, and to repeal all laws in conflict with this law.

By Committee on Appropriations:—H. B. No. 161. A bill for an act appropriating money for the payment of the claim of the State Publishing

Company on account of furnishing supplies to the State Boards and Officers, during the year 1900. Placed on file.

By Wilson of Cascade: H. B. No. 162. A bill for an act to regulate the Superintendence and Inspection of brick work, mason work and concrete work within the State of Montana, and to provide penalties for violation of its provisions; and to provide for the enforcement thereof. Placed on file.

By Bray of Lewis and Clarke: H. B. No. 163. A bill entitled an act providing for the establishment of a Montana State Fair, for the appointment of a Board of Directors, Executive Committee and other officers, for the conduct and management thereof, and appropriating money therefor. Placed on file.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 157, read first and second times, and referred to Committee on State Lands.

H. B. No. 158, read first and second times, and referred to Committee on Agriculture and Horticulture.

H. B. No. 159, read first and second times, and referred to Committee on Appropriations.

H. B. No. 160, read first and second times, and referred to Committee on Affairs of Cities.

H. B. No. 161, read first and second times, and referred to Committee on State Boards and Officers.

H. B. No. 162, read first and second times, and referred to Committee on Improvements and Manufacturing.

H. B. No. 163, read first and second times, and referred to Committee on Fairs & Expositions.

NOTICES AND RESOLUTIONS.

MacDonald, seconded by Lynch, moved the adoption of the following:

"But it resolved, that the Committee that was appointed to visit the State Penitentiary and Insane Asylum, be instructed to visit all other public institutions that are asking for appropriations, and to report to this body."

Word offered the following as a substitute motion, seconded by Buchanan:

"I move that the Chairman of the Committee on Appropriations and the Chairman of the Committee on Ways & Means be authorized to visit, at the expense of the state, such of the state educational institutions as they may deem necessary, in order to determine and report the amount of money to be appropriated for said institutions." Amended motion lost.

The question recurring upon the adoption of the original motion, a division was called for. Resolution adopted.

On motion of Lynch, such Committee shall be required to consult with Mr. Speaker as to which institutions shall be visited. Carried.

MESSAGES FROM THE SENATE.

The following message was received:

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that notice of the introduction of bills was given as follows:

By Whipple:—A bill to amend section 1940-A and 1940-B, and to re-enact section 1941 repealed by the Seventh Session, relating to general and special taxes for school purposes.

Also, that the following bills were introduced and read first and second times:

S. B. No. 51, by Kohrs: An act relating to the jurisdiction of courts in cases of misdemeanor, and amending section 1400 of the Penal Code of Montana.

S. B. No. 52, by Bourne: An act providing for the submission to the qualified electors of the State of Montana of an amendment to section 3.

Article 12, of the constitution, relating to the taxation of mines and mining claims.

S. B. No. 53, by Maddox: A bill for an act to provide for the settlement of bills of exception taken before or at the trial in criminal cases, and to provide for the review by the Supreme Court on appeal of proceedings, evidence and matters contained in such bills of exception.

S. B. No. 54, by Murray: An act to create a State Text Book Commission, for the purpose of adopting and maintaining a uniform series of text books for the public schools of Montana; to regulate the price of the same; define the duties and powers of such commission, and appropriating a sum of money named therein for the expense of said commission.

Respectfully,

X. K. STOUT, Secretary."

REPORT OF COMMITTEE ON ENROLLMENT.

By Tooley:—"Mr. Speaker:—Your Committee on Enrollment reports that House Joint Memorial No. 1 was delivered to his Excellency, the Governor, at 10.45 A. M., February 3rd, 1903."

THIRD READING OF BILLS.

H. B. No. 15 was read third time and passed by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Conner, Dempster, Downey, Duggan, Dwight, Faust, Flaherty, Gangner, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lehsou, Linemann, Lynch, Martin, Morrissey, McCone, MacDonald, MacGinniss, O'Keefe, Owen, Pearson, Sales, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Tolman, Tooley, Vagg, Webb, Williams, Wilson of Lewis and Clarke, Wood, Woodworth, Word, Mr. Speaker—55.

Nays, Everett, Miller—2.

House Bill No. 61 was read third time and passed by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Bever, Brownlee, Buchanan, Burt, Conner, Dempster, Downey, Duggan, Dwight, Everett, Farmer, Faust, Flaherty, Gangner, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lehsou, Linemann, Lynch, Martin, Miller, Morrissey, McCone, MacDonald, MacGinniss, O'Keefe, Owen, Pearson, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Story, Swindlehurst, Sykes, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word, Mr. Speaker—63.

Nays, Benson, Stapleton—2.

House Bill No. 75 read third time and passed by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Brownlee, Buchanan, Burt, Conner, Dempster, Downey, Duggan, Dwight, Everett, Farmer, Faust, Flaherty, Gangner, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lehsou, Linemann, Martin, Morrissey, McCone, MacDonald, MacGinniss, O'Keefe, Owen, Pearson, Rice, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word, Mr. Speaker—61.

Nays, None.

Beaudry granted leave of absence until Thursday.

On motion of Stapleton, at 12.15 P. M., the House adjourned.

B. F. WHITE,

Speaker.

NATHAN GODFREY,

Chief Clerk.

THIRTY-FIRST DAY

Wednesday, February 4th, 1903.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called, and all members present except Beaudry, absent on leave.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The members of the Judiciary Committee were excused from attendance.

Petitions from citizens of the state were received, praying for direct legislation. Referred to Committee on Judiciary.

NOTICES OF BILLS.

The following notices were given:

By Lynch:—A bill for an act making appropriations for the Montana School of Mines for the fiscal year ending November 30th, 1903 and November 30th, 1904.

By Conner:—A bill for an act entitled an act to prevent the herding of sheep on the land or possessory claims of other persons or within a certain distance of the dwelling house of the owner or owners of such land or possessory claims, and providing penalties for the violation thereof.

By Gangner:—A bill for an act entitled an act regulating the salary of employees of Montana State Capitol Building.

By Whiteley:—A bill for an act entitled an act to amend Section 580, 581 and 582 of the Political Code of the State of Montana, as amended by an act entitled an act amending sections 580, 581 and 582, Part 2, Title 1, Chapter 3, Article 15, of the Political Code of the State of Montana, relating to the Inspector of Mines, and approved March 4, 1898.

By Allen:—A bill for an act to amend sections 1354, 1357, 1358, 1359 and 1361 of Chapter 9, Article 2, Title 2, Part 3, of the Political Code of the State of Montana, relating to ballots and voting, and providing further protection to the voter while preparing his ballot and casting same.

Also, by Allen:—A bill for an act entitled an act to provide for apportionment of membership and representation of the several counties of Montana, in the House of Representatives of Legislative Assembly of Montana, and to fix the number of members thereof.

By Committee on Affairs of Cities:—A bill for an act giving authority to the city or town council of any city or town to issue upon the credit of said city or town coupon bonds under certain conditions.

By Bever:—A bill for an act entitled, an act to pay employees of the Senate and House, as provided in Section 209, Part 3, Title 1, Chapter 2, Article 4, and as provided for in Section 223, Part 3, Title 1, Chapter 2, Article 5, of the Political Code of the State of Montana.

By Benson:—A bill entitled, an act to amend section 3006 of the Political Code of the State of Montana, relating to the slaughter of animals by order of the State Veterinarian.

By Committee on Affairs of Cities:—A bill for an act requiring County Assessors to make a return to cities and towns of the valuation and assessment of personal property assessed by them in said cities and towns.

By Sykes:—A bill entitled an act appropriating money for manual training work at the State Reform School, and for the extension and improvement of said school.

By Wood:—A bill for an act to amend sections 513 and 514 of Chapter III, Title II, of the Code of Civil Procedure, relative to the limiting of time within which actions may be brought.

Also, a bill for an act repealing all of Article 12, Part 4, Title II, and embracing sections 4560 to 4570 inclusive, of the Political Code relative to the office of County Auditor; also to amend sections 4312, 4602 and 5181 of the Political Code relative to said office of County Auditor.

By Faust:—A bill for an act entitled an act relating to dividing counties into Commissioner Districts.

REPORTS OF STANDING COMMITTEES.

The following reports were made:

"Mr. Speaker:—Your committee to whom was referred the report of the Committee on Joint Rules, beg leave to report that we have seen the committee in the Senate on the same and we were unable to induce them to reconsider action had by them. We therefore recommend that the report of Joint Committee on Joint Rules be adopted by the House.

WHITE, Chairman,
O. M. LANSTRUM,
GEO. McCONE,
J. E. WEBB,
JOS. SHANNON."

Report adopted.

Mr. Speaker:—Your Committee on State Boards and Officers to which was referred House Bill No. 6, relating to the consolidation of clerkships, respectfully report the same back to the House with the recommendation that it do pass.

C. B. MILLER,
GEO. McCONE,
H. W. LEHSOU,
THOS. M. EVERETT,
JAMES M. SELF,
PAT MULLINS."

Minority Report on House Bill No. 6. "Mr. Speaker:—I recommend that the state boards be not consolidated.

JOHN MORRISSEY."

By Tolman:—"Mr. Speaker:—Your committee on State Lands, to whom was referred House Bill No. 135, entitled "An act to amend section 3481 of the Political Code of the State of Montana, relating to state lands", recommend the following substitute bill for said H. B. No. 135, and recommend the indefinite postponement of said H. B. No. 135; and recommend that the substitute do pass." On motion of Tolman, seconded by Hilger, the substitute was adopted and referred to Printing Committee.

By Graham:—"Mr. Speaker:—Your Committee on Labor, to whom was referred House Bill No. 69, introduced by Lanstrum, entitled "A bill for an act to extend and regulate the liability of employers to make compensation for personal injuries or death resulting to employees, either from the employer's negligence or the negligence of some of the employer's other employees, servants or agents";

Also House Bill No. 99, introduced by Pearson, entitled "An act to amend section 2661 of Article II, Chapter I, Title VI, of IV of the Civil Code of Montana, relating to service";

Also, House Bill No. 37, introduced by Dempster, entitled "An act to determine the liability of employers in this state for damages to employees and others";

Also House Bill No. 42, introduced by Dwight, entitled "An act to prescribe and define the liability of persons, receivers or corporations operating railroads or street railways, for injuries to their servants and employees; to define who are fellow servants and to prohibit contracts between employer and employee, based upon the contingency of the injury or death of the employee, limiting the liability of the employer for damages"; your committee have had these bills under consideration and beg leave to report that they be indefinitely postponed, and we will ask the unanimous consent of the House to introduce a bill covering the fellow servant and employers liability acts, drawn by the Labor Committee." On motion of Dwight, seconded by Lanstrum, the report of the Committee was adopted.

By Pearson:—"Mr. Speaker:—Your Committee on State Institutions, Public Buildings & Grounds, to whom was referred House Bill No. 138, an act entitled "An act appropriating money for the payment of the claim of the Butte Machinery & Specialty Company, account installation of heating plant at State Penitentiary at Deer Lodge", report same back with the recommendation that it do pass." Bill referred to Committee on Printing.

By Pearson:—"Mr. Speaker:—Your Committee on State Institutions, Public Buildings & Grounds, to whom was referred House Bill No. 137, an act entitled "An act appropriating money for the payment of the claim of Conley & McTague for care of prisoners at State Penitentiary at Deer Lodge", report same back with the recommendation that it do pass." Bill referred to Committee on Printing.

By Brownlee:—"Mr. Speaker:—Your Committee on Townships & Counties, to whom was referred House Bill No. 141, a bill for an act entitled "An act requiring the Board of County Commissioners in every county to conspicuously place signs at county road crossings and junctions, giving the name of the place to which the roads lead, and providing a penalty for destruction of such sign boards", beg leave to report same back to the House with the recommendation that it do pass." Referred to Committee on Printing.

By Brownlee:—"Mr. Speaker:—Your Committee on Townships & Counties, to whom was referred House Bill No. 12, a bill for an act to extend and define the boundaries of Deer Lodge County, and to alter the boundaries of Silver Bow County to conform thereto, beg leave to report the same back to the House without recommendation."

Allen moved, seconded by Lanstrum, that the bill be ordered printed.

Lynch moved, as an amendment, that the bill be indefinitely postponed.

Conner moved the previous question—carried.

The question recurring upon Lynch's motion, a division was called for—Ayes 25, Nays, 23. Motion carried and bill indefinitely postponed.

By Brownlee:—"Mr. Speaker:—Your Committee on Townships & Counties to whom was referred House Bill No. 128, a bill for an act to extend the boundaries of Cascade County and to alter the boundaries of Choteau County to conform thereto, beg leave to report the same back to the House with the recommendation that same do pass." Bill referred to Committee on Printing.

By Brownlee:—"Mr. Speaker:—Your Committee on Townships & Counties to whom was referred House Bill No. 129, a bill for an act to amend section 4605 of the Political Code of the State of Montana, relating to the board of Prisoners and Witnesses, beg leave to report same back to the House with the recommendation that the bill be indefinitely postponed." On motion of Miller, bill ordered printed.

By Buchanan:—"Mr. Speaker:—Your Committee on Printing begs leave to report H. B. No. 26 as having been returned correctly printed."

INTRODUCTION OF BILLS.

The following bills were introduced:

By Story:—H. B. No. 164. An act providing for free text books for the common schools of Montana, defining the method and manner of the distribution and care of the books, and providing for the purchase of the same. Placed on file.

By Pelletier:—H. B. No. 165. An act to amend section 4597, Chapter 4, Title 2, Part 4, of the Political Code of Montana, relating to the number of deputies and salaries for such deputies, of the Clerk of the District Court, and the Sheriff. Placed on file.

By Labor Committee: H. B. No. 166. A bill for an act to determine the liability of employers in this state, for damages to employees and others, in consequence of defect in the condition of the machinery or plant, or way connected with or used in the business of the employers, or by reason of the neglect of the agents or other employees thereof, and to declare void all contracts affecting such liability. Placed on file.

By Bever:—H. B. No. 167. An act entitled an act to annex a portion of Fergus County to Yellowstone County, and to alter the boundaries of said counties to conform thereto. Placed on file.

By Hilger: H. B. No. 168. A bill for an act requiring fire insurance companies and associations, doing business in the State of Montana, to pay a tax upon the excess premiums received over losses sustained, and providing for the payment of moneys received from said tax for the use of fire departments. Placed on file.

By Teal: H. B. No. 169. A bill for an act entitled an act appropriating money for the relief and benefit of the State Orphans Home. Placed on file.

By Faust:—H. B. No. 170. A bill for an act to amend section 1733 of the Political Code of the State of Montana, relating to duties of County Superintendents. Placed on file.

By Faust:—H. B. No. 171. A bill for an act to amend section 1703 of the Political Code of the State of Montana, relating to the duties of Superintendents of Public Instruction. Placed on file.

By Committee on Appropriations: H. B. No. 172. An act entitled an act appropriating money for the payment of the claim of Custer County, for the State's portion of taxes which Custer County was compelled to refund to the Western Ranches Limited. Placed on file.

Hafrison gave notice that he would move for a reconsideration of the vote by which House Bill No. 12 was indefinitely postponed.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 164, read first and second times, and referred to Committee on Education.

H. B. No. 165, read first and second times, and referred to Committee on Townships & Counties.

H. B. No. 166, read first and second times, and referred to Committee on Labor.

H. B. No. 167, read first and second times, and referred to Committee on Townships & Counties.

H. B. No. 168, read first and second times, and referred to Committee on Ways & Means.

H. B. No. 169, read first and second times, and referred to Committee on Appropriations.

H. B. No. 170, read first and second times, and referred to Committee on Education.

H. B. No. 171, read first and second times, and referred to Committee on Education.

H. B. No. 172, read first and second times, and referred to Committee on Judiciary.

MESSAGES FROM THE GOVERNOR.

The following communication was received from the Governor:—

"To the Speaker of the House of Representatives, House of Representatives, Helena, Montana. Sir:—I have the honor to transmit herewith for the information of the House and for such action as you may deem expedient, copies of communications received from Hon. David R. Francis, President, and Colonel E. C. Culp, Secretary of the Committee on Ceremonies, Louisiana Purchase Exposition.

J. K. TOOLE, Governor."

Referred to Committee on Fairs & Expositions.

Martin was excused, indefinitely, from attendance.

On motion of Bever, at 11.45 A. M., the House took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

House re-assembled at 2 o'clock P. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

MESSAGES FROM THE SENATE.

The following message was received:

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that the following bills were introduced and read first and second times:

S. B. No. 55. By Donlan: A bill for an act entitled an act to repeal

sections 1900, 1901, 1902, 1903, 1904, 1905 of Chapter VI, Article XIII, Title III, Part III, and section 1738, of Chapter VI, Article II, Part III, Title III, of the Political Code of the State of Montana, relating to Teachers' Institutes and to substitute the following provisions.

S. B. No. 56. By Whipple:—A bill for an act entitled an act to amend sections 1940-A and 1940-B of the Political Code of Montana, as enacted by the Seventh Legislative Assembly of the State of Montana, approved March 9, 1901, and to re-enact section 1941, repealed by House Bill No. 191 of the Seventh Legislative Assembly, in relation to general and special taxes for school purposes.

S. B. No. 57. By Murray. A bill for an act entitled an act to provide for the investments of the money in the State Normal School Bond Fund."

Also, "That notices of the introduction of bills were given as follows:

By Maddox:—A bill for an act to create in each county of Montana, a commission to be known as a County Agricultural Fair Commission, and providing for an appropriation from the County Treasury of each county of the sum of One Thousand Dollars to be expended by the Commission for County Fair purposes.

By Conrow:—A bill to extend the boundaries of Park County and to alter the boundaries of Sweet Grass county to conform thereto."

Also, "That H. B. No. 112 was to-day read a third time and concurred in, and is herewith transmitted to the House."

Respectfully,

X. K. STOUT, Secretary."

THIRD READING OF HOUSE BILLS.

House Bill No. 13 was read third time and passed by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Bever, Brownlee, Buchanan, Burt, Conner, Dempster, Downey, Duggan, Dwight, Everett, Farmer, Faust, Flaherty, Gangner, Giltinan, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Linemann, Linderman, Lynch, Miller, Miles, Morrissey, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pearson, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wood, Woodworth, Word, and Mr. Speaker—66.

Nays, None.

House Bill No. 29 was read third time and passed by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Bever, Brownlee, Buchanan, Burt, Conner, Dempster, Downey, Duggan, Dwight, Everett, Farmer, Faust, Flaherty, Gangner, Giltinan, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Linemann, Linderman, Lynch, Miller, Miles, Morrissey, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pearson, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Story, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wood, Woodworth, Word, Mr. Speaker—65.

Nays, None.

Substitute House Bill No. 1, was read third time and passed by the following vote.

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Brownlee, Buchanan, Burt, Conner, Downey, Duggan, Dwight, Everett, Farmer, Faust, Flaherty, Gangner, Giltinan, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Linemann, Linderman, Lynch, Miller, Miles, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Wilson of Cascade, Wood, Woodworth, Word, Mr. Speaker—60.

Nays:—Morrissey, Stapleton, Whiteley, Williams—4.

House Bill No. 36 was read third time and passed by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Bever, Brownlee, Buchanan, Conner, Dempster, Downey, Duggan, Dwight, Everett, Farmer, Faust, Flaherty, Giltinan,

Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Miller, Miles, Morrissey, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Story, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wood, Woodworth, Word, Mr. Speaker—63.

Nays, Gangner—1.

House Bill No. 93 was read third time and passed by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Bever, Brownlee, Buchanan, Burt, Conner, Dempster, Downey, Duggan, Dwight, Everett, Farmer, Faust, Flaherty, Gangner, Giltinan, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Miller, Miles, Morrissey, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Whiteley, Williams, Wilson of Cascade, Wood, Woodworth, Word, Mr. Speaker—65.

Nays, Webb—1.

House Bill No. 6 was read. Rice moved, Swindlehurst seconded, that the bill be recommitted. Carried.

GENERAL ORDERS.

The House resolved itself into a Committee of the Whole.

Schwend in the chair.

House resumed.

Mr. Speaker in the chair.

Schwend, from Committee of the Whole, reported as follows:—

“Mr. Speaker:—Your Committee of the Whole have had under consideration the following bills, and recommend as follows:

House Bill No. 85; recommend that it be re-referred to the Committee on Judiciary.

House Bill No. 89; that they have amended same as follows:—Section 3, in line 15, after the word “buildings” insert the words “but shall not contract for the expenditure of more money than is hereby appropriated; Section 5, amended by striking out the word “section” and insert in lieu thereof the word “act”; and as so amended, recommend that it do pass.

House Bill No. 57; have amended the same as follows:—In section 1, line 4, make it read “general or special city election”; section 2, lines 11 and 12, strike out the words “yes” and “no”; in section 3, line 16, strike out the word “yes”; and as so amended, recommend that it do pass.” Report Adopted.

Tooley, from Committee on Enrollment, reported as correctly enrolled House Bill No. 112.

Mr. Speaker announced that he was about to sign House Bill No. 112.

House Bill No. 85 re-referred to Committee on Judiciary.

House Bills Nos. 89 and 57 ordered engrossed.

The House resolved itself into a Committee of the Whole.

Schwend in the chair.

House resumed.

Mr. Speaker in the chair.

Schwend, from Committee of the Whole, reported as follows:

“Mr. Speaker:—Your Committee of the Whole having had under consideration House Bill No. 22, beg leave to report that they have amended the same, and as amended, recommend that it do pass.” “They also report progress. Report adopted.

Dwight moved, Story seconded, that the House adjourn—carried.

The House adjourned at 4.55 P. M. until to-morrow at 10 o'clock A. M.

B. F. WHITE,
Speaker.

NATHAN GODFREY,
Chief Clerk.

THIRTY-SECOND DAY

Thursday, February 5, 1903.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called, all members present except Beaudry, Farmer, Martin—excused.

Prayer by the Chaplain.

Journal of yesterday read and approved.

COMMUNICATIONS & PETITIONS.

Petitions were received from various Labor Unions, praying for the Initiative and Referendum. Referred to Committee on Judiciary.

A communication was received from the Mill & Smelters' Union, asking the passage of H. B. No. for the licensing of engineers on air motors. Placed on file.

A petition was received, asking for the passage of a law providing for the closing of saloons on Sunday. Referred to Committee on Education.

A communication was received from the National Live Stock Association. Referred to Committee on Live Stock & Public Ranges.

NOTICES OF BILLS.

The following notices were given:—

By Wilson of Cascade:—A bill to amend section 4596 of the Political Code of the State of Montana, relating to the compensation allowed deputies and assistants.

By Committee on Affairs of Cities:—A bill entitled an act relating to actions against cities and towns for damages to persons injured on streets and other public grounds, by reason of the negligence of any public officer, agent or employee of any city or town of Montana.

By Burt:—A bill for an act entitled an act appropriating money for the payment of a state warrant issued by the State Arid Land Commission.

By Mullins:—A bill for an act enlarging the powers of the Board of Managers of the Montana Soldiers' Home, admitting disabled miners to the benefits and privileges thereof and making appropriation therefor.

By Mullins:—A bill regulating freight rates and fares by railroad and transportation companies in the State of Montana, and providing a penalty for the violation thereof.

By Lynch:—An act to amend Chapter 10 of the Political Code of the State of Montana, relating to Pawn Brokers, and amending the title thereto so as to include dealers in second-hand goods and junk dealers.

By Graham:—A bill entitled, an act to permit a fac simile or other representation of the great seal of the State of Montana to be affixed or imprinted upon any article made, grown or produced in Montana, and providing a penalty for the placing of any such label upon any article not made, grown or produced in Montana.

REPORTS OF STANDING COMMITTEES.

The following reports were made:—

By Graham:—"Mr. Speaker:—Your Committee to whom was referred House Bill No. 166, introduced by Labor Committee, entitled, "An act to determine the liability of employers in this state for damages to employes and others in consequence of defect in the condition of the machinery, plant or way connected with or used in the business of the employers, or by reason of the neglect of the agents or other employes thereof, and to declare void all contracts effecting such liability", beg leave to report the same back with the recommendation that it do pass." Bill ordered printed.

By Hilman:—"Mr. Speaker:—Your Committee on Military Affairs, to whom was referred H. B. No. 155, entitled "An act to provide suitable

burial for deceased soldiers, sailors and marines", would recommend the following amendments:

To Section 1: that the following words "during the Mexican war, Civil war or the Spanish-American war" be stricken out.

We also recommend that the amount allowed for each burial be changed from \$100.00 to \$50.00.

With these amendments, we recommend that the bill do pass." Report adopted, and bill ordered printed.

By King:—"Mr. Speaker:—Your committee to whom was referred House Bill No. 101, introduced by Miles, entitled "an act to amend sections 3370, 3371 and 3372 of the Political Code of the State of Montana, and to repeal an act entitled "An act regulating the hours of labor of Hoisting Engineers and fixing the penalties for violation thereof", approved February 19th. 1897", beg leave to report that they have had the same under consideration and beg to submit herewith a substitute and recommend that said substitute do pass." Substitute bill adopted and ordered printed.

By Lanstrum:—"Mr. Speaker:—Your Committee on Ways & Means to whom was referred House Bill No. 67, an act providing for districting the state into Teachers Institute Districts, creating a Board of Institute Trustees, and defining the powers and duties of such Trustees, fixing time when such institutes shall be held and providing for the expense of conducting such institutes, having had same under consideration, beg leave to return same back to the House with the accompanying Substitute and recommend that the Substitute do pass." Substitute Bill adopted and ordered printed.

By King:—"Mr. Speaker:—Your committee to whom was referred the matter of ascertaining the number and qualifications of the Committee Clerks employed by the Eighth Legislative Assembly, and the necessity for the employment of such clerks, beg leave to report as follows:

The Committee on Ways & Means have one clerk, Mr. Fred Albright. The Judiciary Committee has one clerk, Miss Hattie Smith. The Committee on Appropriations has one clerk, Miss Mabel Cleeland. The Committee on Privileges & Election has one clerk, Miss Bertha Sands. We find that all the clerks above named are well qualified to fill their respective positions and are satisfactory to the members of the respective committees. We also find that there is also a large amount of work to do in each of the above named committees, and that a clerk is absolutely necessary for each one of the said committees.

The Committee on Privileges and Elections have in addition eight clerks who are employed in counting votes in the Silver Bow County election contests, and an Assistant-Sergeant-at-Arms to attend the doors of the rooms where the counting is being done. The above extra clerks are only temporary, and are paid out of a special appropriation; and do not by right come under the head of committee clerks.

The Committee on Printing has three clerks, Mrs. Alice Harriman, J. S. Mills and Miss Lizzie Murphy. These clerks are satisfactory to the members of the Printing Committee and have all the work they can handle at the present time. This Committee will need another clerk in the near future.

The Committee on Engrossment has a chief clerk, Mrs. Keerl, and four assistants, Miss Minnie Bowers, Miss E. Forster, Miss Carrie Kalb and A. G. Bossuth. We find that all the clerks on this committee are not stenographers and are not very familiar with the use of the typewriter, but we are informed by the Chairman of the Committee, and by Mrs. Keerl, the chief clerk, that a considerable portion of the work of this committee is the comparing of copies with the original bills, and that these clerks can be well employed in such reading. At the present time there is not enough work to keep all these clerks employed, and we believe that the committee has been a little hasty in putting on additional clerks until such time as they were actually needed.

The Committee on Enrollment has a chief clerk, Miss MacDonald, and two assistants, Fred Johnson and Miss Kirkendall. They are all thoroughly competent and have plenty of work to do.

Committees on Agriculture and Horticulture, Irrigation and Water Rights, Fish and Game, and Live Stock and Public Ranges, have one clerk, Miss Laura E. McIntosh.

The committees on Improvements and Manufacturing, Education, Military Affairs, State Lands and Highways, have one clerk, Miss Grace McNerney.

The committees on Apportionment and Representation, Railroads and Transportation, Libraries and Immigration have one clerk, Miss Cecelia Maloney.

The committees on Mines and Mining, Labor, Internal Improvements, and Federal Relations have one clerk, Miss Kathleen Hughes.

The committees on State Institutions, Affairs of Cities, Corporations other than Municipal, Rules and Joint Rules, Mileage and Per Diem, have one clerk, A. J. Steffens.

The committees on State Boards and Officers, Townships and Counties, Insurance, Fairs and Expositions, have two clerks, George Lanstrum and Miss Minnie Stubblefield.

We have seen the work of each clerk in the above groups of committees, and believe that they are each thoroughly competent to fill their respective positions and have plenty of work to do.

We find that the extra duties imposed upon the Judiciary Committee and the Committee on Privileges and Elections, have kept several of the other committees from holding any meetings for a number of days, and that these other committees have quite an accumulation of bills to act upon as soon as the election contests and the impeachment proceedings are out of the hands of the above committees, and the bills so acted upon will soon find their way to the committees on Printing, Engrossment and Enrollment, and from that time on these three committees will have plenty of work to do.

We have carefully examined the records of the Seventh Assembly, and in making a comparison of their expenditures with those on the present session, we find the following results, as to work done and expenditure for committee clerks.

FIFTEENTH DAY.

Committee Clerks:

Session 1901.—Clerks 17, Bills 37.

Session 1903.—Clerks 15, Bills 46.

TWENTY SECOND DAY.

Committee Clerks:

Session 1901.—Clerks 27, Bills 51.

Session 1903.—Clerks 18, Bills 100.

TWENTY NINTH DAY.

Committee Clerks:

Session 1901.—Clerks 29, Bills 85.

Session 1903.—Clerks 20, Bills 156.

By the above comparison it will be seen that the committee clerks of this session have done, and are doing at least 50 per cent more work than those of the Seventh Assembly."

On motion of Miller, seconded by Conner, the thanks of the House were tendered to the committee, and the committee was continued. Report adopted.

By Buchanan:—Mr. Speaker:—Your Committee on Printing begs leave to report House Bills Nos. 145, 8, 35, H. J. M. Nos. 3, 2, 4, H. B. 96, H. B. No. 53, Sub. for H. B. No. 119, Sub. for H. B. No. 115, H. J. M. No. 98, H. B. Nos. 86, 121, 136, Sub. for H. B. No. 23, Sub. for H. B. No. 55, Sub. for H. B. 88, H. B. No. 138 and H. B. No. 137, as having been returned correctly printed."

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Com. on Fairs & Expositions:—H. B. No. 173—A bill for an act appointing a commission, making an appropriation and providing for an exhibition of the Arts, Industries, Manufactures, and Products of the soil, mines, ranges and forests of the State of Montana, at the Louisiana Purchase Exposition to be held in St. Louis in the year 1904.

By Pelletier:—H. B. No. 174. A bill for an act entitled an act to prohibit the use of deception, misrepresentation and false advertising in the procuring of employees to work in any department of labor in the state, and fixing penalties, criminal and civil, for the violation thereof.

By O'Keefe:—H. B. No. 175. A bill for an act entitled an act to regulate the charges for professional attendance by Alopathic and Homeopathic physicians.

By Com. on Affairs of Cities:—H. B. No. 176. A bill for an act requiring county assessors to make a return to cities and towns of the valuation and assessment of personal property assessed by them in said cities and towns.

By Com. on Affairs of Cities:—H. B. No. 177. A bill giving authority to the city or town council or any city or town to issue upon the credit of said city or town coupon bonds, under certain conditions.

By Lynch:—H. B. No. 178. A bill for an act entitled an act making appropriations for the Montana School of Mines, for the fiscal years ending November 30th, 1903, and November 30th, 1904.

By Lynch:—H. B. No. 179. A bill for an act to amend section 3701 of the Political Code, relating to taxation.

By Conner:—H. B. No. 180. A bill for an act entitled an act to prevent the herding or pasturing of sheep on the land or possessory claims of other persons, or within a certain distance of the dwelling house of the owner or owners of such land or claims, and providing penalties for the violation thereof.

By Rice:—H. B. No. 181. A bill to change the spelling of the name "Choteau".

By Rice:—H. B. No. 182. A bill for an act to authorize the Board of Stock Commissioners of the State of Montana to sell and transfer stray horses and cattle shipped out of the state, and to receive and disburse the proceeds thereof.

By Everett:—H. B. No. 183. A bill for an act entitled an act to appoint the Entomologist of the experimental station, State Entomologist, and to appropriate money to pay his travelling expenses.

By Sykes:—H. B. No. 184. A bill for an act entitled "An act appropriating money for manual training work at the State Reform School, and for the extension and improvement of said school."

By Benson:—H. B. No. 185. A bill for an act entitled "An act to amend section 3006 of the Political Code of the State of Montana, relating to the slaughter of animals by order of the State Veterinarian."

By Bever:—H. B. No. 186. A bill for an act entitled, an act to pay employees of the Senate and House, as provided in Section 209, Part 3, Title 1, Chapter 2, Article 4, and as provided for in Section 223, Part 3, Title 1, Chapter 2, Article 5, of the Political Code of the State of Montana.

The Committee on Transportation, by unanimous consent, made the following reports:

"Mr. Speaker:—Your Committee on Railroads & Transportation, to whom was referred House Bill No. 92, report back with a recommendation that it do pass." Bill ordered printed.

Also,

"Mr. Speaker:—Your Committee on Railroads & Transportation, to whom was referred Senate Bill No. 18, report back with a recommendation that it do pass." Placed on General Orders.

Also,

"Mr. Speaker:—Your Committee on Railroads & Transportation, to whom was referred House Bill No. 70, report back with a recommendation that it be indefinitely postponed." On motion of Conner, seconded by Noble, report adopted—bill indefinitely postponed.

Shannon made the following motion:—"Mr. Speaker:—I move that H. B. No. 150 be withdrawn from the Judiciary Committee, and re-referred to Committee on Mines & Mining." Carried.

Harrison moved that the vote on H. B. No. 12 be reconsidered—carried.

Bever moved the previous question—carried.

The question recurring upon indefinitely postponing the bill—Lost.

On motion of Allen, the bill was ordered printed.

On motion of Miller, at 11.40 A. M., the House took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The House re-assembled at 2 o'clock P. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

READING OF HOUSE BILLS.

The following House Bills were taken from the file:—

H. B. No. 173, read first and second times, and referred to Committee on Appropriations.

H. B. No. 174, read first and second times and referred to Committee on Labor.

H. B. No. 175, read first and second times, and referred to Committee on Internal Improvements.

H. B. No. 176, read first and second times, and referred to Committee on Townships and Counties.

H. B. No. 177, read first and second times, and referred to Committee on Affairs of Cities.

H. B. No. 178, read first and second times, and referred to Committee on Appropriations.

H. B. No. 179, read first and second times, and referred to Committee on Ways & Means.

H. B. No. 180, read first and second times, and referred to Committee on Agriculture and Horticulture.

H. B. No. 181, read first and second times, and referred to Committee on Townships and Counties.

H. B. No. 182, read first and second times, and referred to Committee on Live Stock and Public Ranges.

H. B. No. 183, read first and second times, and referred to Committee on State Boards and Officers.

H. B. No. 184, read first and second times, and referred to Committee on Appropriations.

H. B. No. 185, read first and second times, and referred to Committee on Live Stock and Public Ranges.

H. B. No. 186, read first and second times, and referred to Committee on Appropriations.

Dwight offered the following resolution:—

“Resolved, that whereas, it is a notorious fact that every gambling appliance or device of every kind or character is being run openly in this state, contrary to the laws of this state, and whereas, it is openly charged that such officers, state, municipal or otherwise, whose duty it is to execute the gambling laws of this state, are not only violating their oaths of office, but are accused of a serious crime in that, they are enriching themselves by a system known as grafting, Be it therefore, Resolved, that a committee of three be appointed to ascertain who is responsible and if facts are as stated, to proceed by impeachment or otherwise to bring such criminals to justice.”

On motion of Miller, seconded by Rice, the resolution was adopted.

Mr. Speaker appointed as such committee, Dwight, Swindlehurst, Everett.

GENERAL ORDERS.

On motion of Wood, seconded by McCone, the House resolved itself into a Committee of the Whole, to consider House Joint Memorial Nos. 2, 3 and 4.

Lanstrum in the chair.

House resumed.

Mr. Speaker in the chair.

Lanstrum, from Committee of the Whole, reported as follows:—

“Mr. Speaker:—Your Committee of the Whole beg leave to report that

they have had under consideration House Joint Memorials Nos. 2, 3 and 4, and recommend that they do pass." Report adopted.

On motion of Word, the rules were suspended, and House Joint Memorials Nos. 2, 3, and 4 were considered engrossed and placed upon their final passage.

H. J. Memorial No. 2; roll called upon its final passage, with the following result:—

Ayes:—Allen, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Burt, Cannon, Conner, Dempster, Downey, Everett, Faust, Flaherty, Gangner, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Linderman, Miles, Morrissey, Mullins, McCone, MacGinniss, Noble, O'Keefe, Owen, Pearson, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word, Mr. Speaker—59.

Nays, None.

H. J. Memorial No. 3; roll was called upon its final passage, with the following result:—

Ayes:—Allen, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Cannon, Conner, Dempster, Downey, Everett, Faust, Flaherty, Gangner, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, Lancaster, Lanstrum, Lehsou, Linderman, Miller, Miles, Mullins, McCone, MacGinniss, Noble, O'Keefe, Owen, Pearson, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Swindlehurst, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word, Mr. Speaker—58.

Nays, None.

House Joint Memorial No. 4; roll was called upon its final passage, with the following result:

Ayes:—Allen, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Downey, Dwight, Everett, Faust, Flaherty, Gangner, Giltinan, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Line-
mann, Linderman, Miller, Mullins, McCone, MacGinniss, Noble, O'Keefe, Owen, Pearson, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Story, Swindlehurst, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Mr. Speaker—57.

Nays, None.

House resolved itself into Committee of the Whole.

Lanstrum in the chair.

House resumed.

Mr. Speaker in the chair.

Lanstrum, from Committee of the Whole, reported as follows:—

"Mr. Speaker:—Your Committee of the Whole has had under consideration House Bill No. 108 and reports it back with the recommendation that it do pass.

Also, that it has had under consideration House Bill No. 26, and reports that they have amended same by adding to the title "A Bill For"; and recommend that it do pass as amended.

Also, that it has had under consideration Senate Bill No. 3, and report it back with the recommendation that it be concurred in." Report adopted.

House Bills Nos. 108 and 26 ordered engrossed.

Senate Bill No. 3 placed on third reading.

Tooley, from Committee on Enrollment, reported as follows:

"Mr. Speaker:—Your Committee on Enrollment beg leave to report that House Bill No. 112 was delivered to His Excellency the Governor at 3.30 o'clock P. M."

House resolved itself into Committee of the Whole.

Lanstrum in the chair.

House resumed.

Mr. Speaker in the chair.

Lanstrum, from Committee of the Whole, reported as follows:

"Mr. Speaker:—Your Committee of the Whole has had under considera-

tion Senate Bill No. 4, and reports back with the recommendation that it be concurred in.

Also, House Bill No. 145, and reports it back with the recommendation that it do pass." Report Adopted.

Senate Bill No. 4 placed on third reading. House Bill No. 145 ordered engrossed.

On motion of Dempster, at 4.45 P. M., the House adjourned until tomorrow at 10 o'clock A. M.

B. F. WHITE,
Speaker.

NATHAN GODFREY,
Chief Clerk.

THIRTY-THIRD DAY

Friday, February 6th, 1903.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—and all members present except Martin, excused.

Prayer by the Chaplain.

Journal of yesterday read and approved.

O'Keefe excused from attendance until Monday.

PETITIONS.

Petitions from various Labor Unions, praying for Initiative and Referendum, were received. Referred to Committee on Judiciary.

NOTICES OF BILLS.

The following notices were given:

By Hilger:—A bill for an act entitled an act to provide for the appointment and qualification of a Deputy State Treasurer, Deputy State Auditor and Deputy State Superintendent of Public Instruction.

By Woodworth:—A bill for an act to be entitled an act to enable the Normal School Land Grant to be further utilized in providing additional buildings and equipment for the Montana State Normal School.

REPORTS OF STANDING COMMITTEES.

The following reports were made:

By Self:—"Mr. Speaker:—Your Committee on Judiciary to whom was referred House Bill No. 78, entitled an act to amend section 2610 of the Code of Civil Procedure, relating to the presentation of claims against estates, introduced by Bray of Lewis and Clarke, beg leave to say that we have had said bill under consideration, and report the same back to the House with the recommendation that the further consideration thereof be indefinitely postponed." On motion of Story, seconded by Word, the report was adopted and bill indefinitely postponed.

By Stadler:—"Mr. Speaker:—Your Committee on Internal Improvements have had under consideration House Bill No. 18 entitled an act to prevent the malicious cutting, tearing down or injuring fences on private lands, and providing for the violation thereof. We hereby report a substitute bill for the same, with the recommendation that it be adopted." On motion of Sales, Substitute bill was adopted and ordered printed.

By Self, a majority of the Committee on Judiciary, reported as follows:—"Mr. Speaker:—Your Committee on Judiciary to whom was referred Senate Bill No. 2, introduced by McLean, entitled an act to provide for the appointment by the Supreme Court of three commissioners to be known as Commissioners of the Supreme Court, and to provide additional clerical assistance therefor, to relieve said court from the overburdened condition of its calendar, beg leave to say that we have had said bill under considera-

tion, and report the same back with the recommendation that it be concurred in."

By Dempster:—"Mr. Speaker:—A minority of your Committee on Judiciary, having had under consideration Senate Bill No. 2, relating to the appointment of commissioners to help the Supreme Court, beg leave to report back and recommend that the same be indefinitely postponed." Dempster moved, seconded by Noble, that the Minority report be adopted. Self moved, as an amendment, that the majority report be adopted. A division was called for and amended motion adopted—Ayes 39, nays, 14. Placed on General Orders.

By Sales:—"Mr. Speaker:—Your Committee on Horticulture & Agriculture, to whom was referred House Bill No. 102, a bill for an act entitled an act to prevent the malicious cutting, tearing down, or in any other manner interfering with or injuring fences or other enclosures of lands belonging to another, and prescribing punishment for the violation thereof, have carefully considered the same and recommend that it be indefinitely postponed." On motion of Sales, seconded by Rice, report adopted—Bill indefinitely postponed.

By Linderman:—"Mr. Speaker:—Your Committee on Corporations other than Municipal, to whom was referred Senate Bill No. 25, beg leave to report the same back to the House with the recommendation that it be concurred in." Placed on General Orders.

By Linderman:—"Mr. Speaker:—Your Committee on Corporations other than Municipal, to whom was referred House Bill No. 114, an act to amend section 584, Division 1, Part 4, Title 3, Chapter 1, of the Civil Code of the State of Montana, relating to reserve in banks, respectfully report the same back to the House with the following amendment, that the word "thirty" be substituted for the word "fifteen" in Section 1; also that Section 2 be added and read as follows:—"This act shall be in force from and after its passage and approval"; and recommend that bill be amended do pass." Report adopted and bill ordered printed.

By Self:—"Mr. Speaker:—Your Committee on Judiciary to whom was referred House Bill No. 79, introduced by Benson, entitled an act to amend section 2603, of the Civil Code of Procedure, relating to the presentation of claims against estates, beg leave to say that we have had said bill under consideration, and report the same back to the House with the recommendation that the further consideration thereof be indefinitely postponed." On motion of Conner, report adopted—bill indefinitely postponed.

By Miller:—"Mr. Speaker:—Your Committee on State Boards and Officers to whom was referred House Bill No. 68, an act to provide for the office of Deputy Superintendent of Public Instruction and to define the duties and fix the salaries of said officer, having had same under consideration, beg leave to report same back with the accompanying substitute, and recommend that the substitute do pass."

Dempster moved, seconded by Lanstrum, that the bill be referred to the Committee on Education—Carried.

By Bever:—"Mr. Speaker:—Your Committee on Affairs of Cities, having had under consideration House Bill No. 110, a bill for an act repealing senate bill No. 45, of the Seventh Legislative Assembly of the State of Montana, entitled "An act providing for a meat and milk inspector, in cities having 5000 inhabitants or over within the State of Montana, and prescribing the duties and powers of such inspector, and to regulate the sale of meat and milk and live domestic animals intended for food purposes, and prescribing penalties for the violations of the provisions of this act, beg leave to report the same back to the House, with the recommendation that it be indefinitely postponed."

Moved by Story, seconded by Rice, that the report be adopted—Carried. Bill indefinitely postponed.

Py Miller:—"Mr. Speaker:—Your Committee on State Boards and Officers to whom was referred House Bill No. 123, a bill for an act to prevent wrongs to children and dumb animals, and to establish a bureau of child and animal protection, having same under consideration beg leave to report the same back to the House, and recommend that it be indefinitely post-

poned." Moved by Rice, seconded by Conner, that the report be adopted—Carried. Bill indefinitely postponed.

By Miller:—"Mr. Speaker:—Your Committee on State Boards and Officers to whom was referred House Bill No. 66, an act entitled an act to amend section 1511 of the Political Code of the State of Montana, by providing qualifications for the members of the State Board of Education, having had same under consideration, beg leave to report same back to the House and recommend that it be indefinitely postponed." On motion of Lanstrum, seconded by Dempster, bill referred to Committee on Judiciary.

By Miller:—"Mr. Speaker:—Your Committee on State Boards and Officers to whom was referred House Bill No. 106, an act to amend section 4 of Senate Bill No. 41, of the Session Laws of the Seventh Legislative Assembly, entitled, an act to amend sections 622, 624, 629, of the Political Code of Montana, relating to the board of Dental Examiners, and to amend section 631 of Part 3, Title 1, Chapter 3, Article XVII, of the Political Code of the State of Montana, relating to the Board of Dental Examiners, having had same under consideration, beg leave to report same back to the House and recommend that it be indefinitely postponed." On motion of Miller, seconded by Conner, report was adopted, and bill indefinitely postponed.

By Miller:—"Mr. Speaker:—Your Committee on State Boards and Officers to whom was referred House Bill No. 131, a bill for an act regulating the manufacture and sale of drugs and food products, having had same under consideration, beg leave to report same back to the House and recommend that it be indefinitely postponed." Moved by Conner, seconded by Miller, report adopted, and bill indefinitely postponed.

By Miller:—"Mr. Speaker:—Your Committee on State Boards and Officers to whom was referred House Bill No. 52, an act to amend an act approved March 4, 1897, entitled an act to amend sections 490 and 506 inclusive, being all of Article XI of Chapter 3, Title 1, Part 3, of the Political Code of Montana, providing for the appointment of a State Examiner and defining his duties and powers, having had same under consideration, beg leave to return same to the House with the accompanying substitute; and recommend that the substitute do pass." Moved by Miller, seconded by Story, substitute was adopted and ordered printed.

By Miller:—"Mr. Speaker:—Your Committee on State Boards and Officers to whom was referred House Bill No. 142, a bill for an act to repeal sections 2982, 2983, 2984, 2985, 2986, 2987, and 2988, of Part 3, Title 1, of the Penal Code, relating to the State Prison, having had same under consideration, beg leave to report same back to the House without recommendation." Dempster moved, Lynch seconded, that the bill be referred to Committee on Judiciary—Carried.

By Conner:—"Mr. Speaker:—Your Committee on Appropriations to whom was referred certain claims of sheriffs of various counties for mileage for transportation of prisoners, said claims having been disallowed by the State Board of Examiners, beg leave to submit the following report:—After a careful examination of the law, we have decided to sustain the action of the State Board and refuse to present any bill carrying an appropriation covering these claims." "This matter is one of great interest to the people of the state, and has been a source of contention for many years. In the past these claims have invariably been disallowed, and have as invariably been taken to the Legislature with the result that in most cases bills have been passed allowing these claims. A conflict has thus arisen between the State Board of Examiners and the Legislature, and we believe these claims should be refused by this body, to the end that the claimants may have recourse to the courts and indefinitely settle the question as to whether such claims are a legal charge against the state, or whether, as your committee holds, they are a legal charge against the counties having original jurisdiction." On motion of Lanstrum report was adopted.

By Wilson of Cascade: "Mr. Speaker:—We your Committee on Engrossment beg leave to report House Bills Nos. 89, 57 and 22 as correctly engrossed."

By Buchanan:—"Mr. Speaker:—Your Committee on Printing begs leave to report House Bills Nos. 129, 141, 135 and 128 as having been returned correctly printed."

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Mullins:—H. B. No. 187. A bill for an act enlarging the powers of the Board of Managers of Soldiers Home, admitting disabled miners to the benefits and privileges thereof, and making an appropriation therefor.

By Mullins:—H. B. No. 188. A bill for an act regulating fares and freight rates, preventing discrimination, and prohibiting rebates on railroads in the State of Montana.

By Whiteley:—H. B. No. 189. A bill for an act creating the office of Inspector of Coal Mines, defining his duties and providing his salary, and providing penalties thereon, approved March 18, 1901.

By Labor Committee:—H. B. No. 190. A bill for an act to permit a fac simile or other representation of the great seal of the State of Montana, to be affixed or imprinted upon any article made, grown or produced in Montana, and providing a penalty for the placing of any such label upon any article not made, grown or produced in Montana.

By Affairs of Cities Committee:—H. B. No. 191. An act relating to actions against cities and towns for damages to persons injured on streets and other public grounds by reason of the negligence of any public officer, agent or employee of any city or town of Montana.

By Faust:—H. B. No. 192. A bill for an act to divide counties into Commissioners districts.

By Burt:—H. B. No. 193. A bill for an act appropriating money for the payment of a state warrant issued by the State Arid Land Commission.

Gangner:—H. B. No. 194. A bill for an act to regulate the wages of engineers, firemen, janitors, elevator men, yard men and other laborers in and about the Capitol Building, and authorizing their employment.

By Whiteley:—H. B. No. 195. A bill for an act to amend sections 580, 581, and 582 of the Political Code of the State of Montana, as amended by an act amending sections 580, 581 and 582, Part 2, Title 1, Chapter 3, Article 15, of the Political Code of the State of Montana, relating to inspection of mines, approved March 4, 1897.

MOTIONS & RESOLUTIONS.

Word moved that H. B. No. 158 be withdrawn from the Committee on Agriculture & Horticulture and referred to Committee on Fairs & Expositions—Carried.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 187, read first and second times, and referred to Committee on Military Affairs.

H. B. No. 188, read first and second times, and referred to Committee on Railroads and Transportation.

H. B. No. 189, read first and second times, and referred to Committee on State Boards and Officers.

H. B. No. 190, read first and second times, and referred to Committee on Improvements and Manufacturing.

H. B. No. 191, read first and second times, and referred to Committee on Judiciary.

H. B. No. 192, read first and second times, and referred to Committee on Townships and Counties.

H. B. No. 193, read first and second times, and referred to Committee on Appropriations.

H. B. No. 194, read first and second times, and referred to Committee on State Boards and Officers.

H. B. No. 195, read first and second times, and referred to Committee on State Boards and Officers.

MESSAGES FROM THE GOVERNOR AND SENATE.

The following messages were received from the Governor and Senate:—
February 5th, 1903.

To the Speaker of the House of Representatives, House of Representatives,
Helena, Montana:

Sir:—I have the honor to inform you that I have approved H. J. M. No. 1, relative to the cession of the northerly part of the Crow Reservation to the United States, also House Bill No. 112, an act appropriating money for the payment of the claim of the Montana Building Company for the extra work and labor done and extra material furnished in the construction of the State Capitol.

J. K. TOOLE, Governor."

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that the following Senate Bills were introduced and read first and second times:

S. B. No. 58, by Kennedy, by request: An act entitled an act to amend section 1511 of the Political Code of the State of Montana, by providing qualifications for the members of the state Board of Education.

S. B. No. 59, by Maddox. A bill for an act to create in each county in Montana a commission to be known as a County Agricultural Fair Commission, and providing an appropriation from the County Treasurer of each county of the sum of One Thousand Dollars to be expended by the Commission for County Fair expenses.

S. B. No. 60, by Waite: A bill for an act entitled an act amending section 577 of the Civil Code of the State of Montana, relating to state banks, and providing penalty for false statements, reports or entries in the books thereof.

S. B. No. 61, by Conrow: A bill for an act entitled an act to extend the boundaries of Park County and to alter the boundaries of Sweet Grass county to conform thereto.

S. B. No. 62, by Sherlock: An act to provide for the office of Deputy Superintendent of Public Instruction and to define the duties and fix the salary of said officer.

S. B. No. 63, by Sherlock: An act to amend sections 2 and 3 of Senate Bill No. 37, as enacted by the Seventh Legislative Assembly of the State of Montana, relating to the election of the trustees of the County Free High School."

Also, That notices of introduction of bills were given as follows:

By Durham:—A bill for an act creating a County Examining Board for the purpose of examining teachers and defining the powers and duties and fixing the compensation of the members of such Boards.

By Durham:—A bill for an act permitting School District Trustees to use school funds for the purpose of transporting pupils and paying their tuition.

By Hoffman:—A bill for an act to compel railway corporations operating in Montana to correctly report delayed passenger trains to the travelling public.

By Johnson:—A bill for an act authorizing Boards of County Commissioners to loan money collected by authority of Section 4247, Article 3, Chapter 2, Title 2, Part IV, of the Political Code of the State of Montana, relating to the levying and collecting of taxes for sinking fund to pay bonded indebtedness.

By Johnson:—A bill for an act to repeal section 1704 of the Political Code relating to the duties of the Superintendent of Public Instruction, and to amend section 1516 of the Political Code, relating to the powers and duties of the State Board of Education.

Respectfully,

X. K. STOUT, Secretary."

Also, "I am directed by the Senate to inform your Honorable body that House Bill No. 54 was to-day indefinitely postponed by the Senate, for the reason that Senate Bill No. 14 provides for the amendment of the section."

Also, that H. B. No. 24 was to-day read third time and concurred in and is herewith transmitted to the House."

Respectfully,

X. K. STOUT, Secretary."

Woodworth was excused from attendance until Wednesday.

On motion of Miller, at 11.50 A. M., the House took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

House re-assembled at 2 o'clock P. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

THIRD READING OF SENATE BILLS.

Senate Bill No. 3, read third time, and concurred in by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Downey, Duggan, Dwight, Everett, Farmer, Faust, Flaherty, Gangner, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Linemann, Lynch, Miller, Miles, Morrissey, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pearson, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word, Mr. Speaker—67.

Nays, None.

Senate Bill No. 4 was read third time and concurred in by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Downey, Duggan, Dwight, Everett, Farmer, Flaherty, Gangner, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Linemann, Lynch, Miller, Miles, Morrissey, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—66.

THIRD READING OF HOUSE BILLS.

House Bill No. 22 was read third time and passed by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Downey, Duggan, Dwight, Everett, Farmer, Flaherty, Gangner, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Linemann, Lynch, Martin, Miller, Miles, Morrissey, Mullins, McCone, MacDonald, Noble, O'Keefe, Owen, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—66.

H. B. No. 57 read. Teal moved, seconded by Miles, that the bill be committed to Committee on Affairs of Cities—Carried.

House Bill No. 89 was read third time and passed by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Conner, Dempster, Downey, Duggan, Dwight, Farmer, Faust, Flaherty, Gangner, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Linemann, Linderman, Lynch, Miller, Miles, Morrissey, Mullins, MacDonald, MacGinniss, O'Keefe, Owen, Pearson, Pel-

letier, Rice, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tooley, Vagg, Webb, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and M. Speaker—64.

On motion of Webb, seconded by Miller, the rules were suspended, and Motions & Resolutions was declared the order of Business.

Webb introduced the following resolution:

"Mr. Speaker:—I move you that the special committee of three appointed for the purpose of investigating the violations of the anti-gambling laws be given authority by this House to make a thorough investigation of said alleged violations, and in carrying out said investigation, that they be empowered to summon witnesses, to visit towns and cities, if they deem it necessary, and such other means of procuring evidence as they may deem proper, and that they may incur such expense as they deem necessary to carry out such investigation, not to exceed \$500.00, and in the event said amount prove insufficient, the committee be instructed to report back to the House for further action."

Conner moved, Story seconded, that the resolution be laid on the table, on which a division was called for—Ayes 39, Nays, 19.

Dwight moved, Duggan seconded, that the vote be reconsidered; on which Miller moved, Everett seconded, that the roll be called—Carried.

Roll called with the following result:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Dempster, Duggan, Dwight, Everett, Flaherty, Giltinan, Hefferlin, Hilger, Hilman, King, Lancaster, Linemann, Linderman, Lynch, Miller, Morrissey, Mullins, McCone, MacGinniss, O'Keefe, Owen, Pelletier, Rice, Sales, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Vagg, Webb, Whiteley, Wilson of Lewis and Clarke, Word—51.

Nays:—Cannon, Conner, Downey, Farmer, Gangner, Graham, Harrison, Johnson, Lamstrum, Miles, Lehson, MacDonald, Noble, Self, Williams, Wilson of Cascade, Wood, Woodworth, and Mr. Speaker—19.

Vote reconsidered. The vote recurring upon the amendment offered by Lynch to cut out \$500.00. Motion Lost.

Resolution Adopted.

Tooley, from Committee on Enrollment, reported as correctly enrolled House Bill No. 24.

Mr. Speaker announced that he was about to sign House Bill No. 24.

Tooley reported as follows:—"Mr. Speaker:—Your Committee on Enrollment beg leave to report that House Bill No. 24 was delivered to his Excellency, the Governor, at 3 P. M."

Self, by unanimous consent, presented the following report:—

"Helena, Montana, February 6th, 1903. "Mr. Speaker:—Your Committee on Judiciary to whom was referred the following resolution, to-wit:—

"Resolved that Edward W. Harney, a judge of the Second Judicial District, be impeached of high crimes, misdemeanors and of malfeasance in office, and that five Managers be elected by this House of Representatives to prepare articles of impeachment, present them at the bar of the Senate and prosecute the same," beg leave to report that they have had same under consideration, and have heard evidence concerning matters therein contained, a transcript of which evidence is herewith submitted.

While the evidence will be found in many instances contradictory, and while on some matters there is a irreconcilable conflict, your committee report that in our opinion such evidence is insufficient to warrant us in finding that probable cause exists for the institution of impeachment proceedings against said E. W. Harney, Judge of the District Court of Silver Bow County, for the commission of high crimes or misdemeanors.

It must be conceded however, that the evidence tends to show that in some instances the conduct of said Judge E. W. Harney, has been such as is not becoming in one occupying so important and honorable position as that of District Judge, yet in our judgment, the evidence is not sufficient to justify a recommendation that probable cause exists for the impeachment of said Judge on the ground of malfeasance in office.

Therefore, your committee recommends that further consideration of said resolution be indefinitely postponed."

THOS. M. EVERETT,
GEO. McCONE,
ROBT. BROWNLEE,
GUY STAPLETON,
CHAS. F. WORD,
HARRY VAGG,
C. W. DEMPSTER,
JAMES M. SELF,
HENRY J. FAUST."

Lanstrum moved, Story seconded, that the report be adopted—Carried.

Lynch moved, seconded by Lanstrum, that the vote just passed be reconsidered.

On motion of Allen, seconded by Duggan, the motion to reconsider was laid upon the table.

The House resolved itself into a Committee of the Whole.

Swindlehurst in the chair.

House resumed.

Mr. Speaker in the chair.

Swindlehurst, from Committee of the Whole, reported as follows:

"Mr. Speaker:—Your Committee of the Whole have had under consideration House Bill No. 8 and reports it back with amendments, and recommend that it do pass as amended; that it has had under consideration House Bill No. 35, and reports it back with the recommendation that the enacting clause be stricken out; that it has had under consideration House Bill No. 96, and reports it back with the recommendation that it do pass." Report Adopted.

Allen moved, seconded by Lanstrum, that when the House do adjourn, it be until 10 o'clock to-morrow morning—Carried.

House Bills Nos 8 and 96 ordered engrossed.

House Bill No. 35, enacting clause was stricken out.

Everett was excused from attendance until Monday.

On motion of Miller, at 3.45 P. M., the House adjourned.

B. F. WHITE,
Speaker.

NATHAN GODFREY,
Chief Clerk.

THIRTY-FOURTH DAY

Saturday, February 7th, 1903.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—All members present except Martin.

Prayer by the Chaplain.

Journal of yesterday read and approved.

COMMUNICATIONS & PETITIONS.

A communication was received from certain Labor Unions praying for Initiative and Referendum. Referred to Committee on Judiciary.

NOTICES OF BILLS.

The following notices were given:

By Swindlehurst:—A bill for an act authorizing receivers, assignees, trustees, guardians, committees, executors, administrators or curators or any person holding positions of judicial trust, to include as a part of the lawful expense of executing their trust, the cost of procuring bonds and also providing for the payment of such costs under certain conditions, by city or county authorities.

By Pray of Rosebud:—An act to amend senate bill No. 78 of the Sixth Legislative Assembly of the State of Montana, being an act to protect the owners of horses and to cause the inspection of the same.

By Pelletier:—A bill for an act entitled an act appropriating money for the payment of the claims of certain persons for expenses incurred in transporting prisoners to the Penitentiary during the years 1899, 1900, 1901, and 1902.

By Lynch:—An act to amend section 3741 of the Political Code of the State of Montana, relative to the equalization of railroad property by the State Board of Equalization.

REPORTS OF STANDING COMMITTEES.

The following reports were made:

By Buchanan:—Mr. Speaker:—Your Committee on Printing begs leave to report that House Bill No. 114, referred to this committee, is not in shape to print, and we ask that it be referred to the Committee on Corporations Other Than Municipal for correction." On motion of Story, the report was adopted.

By Wilson of Cascade:—Mr. Speaker:—Your Committee on Engrossment begs leave to report that House Bills Nos. 108 and 26 are correctly engrossed."

By Sales:—Mr. Speaker:—Your Committee on Horticulture and Agriculture, to whom was referred House Bill No. 97, a bill for an act entitled an act to amend an act providing for Farmers Institutes, and making an appropriation therefor, respectfully report the same back to the House with the recommendation that it do pass." Ordered Printed.

By Sales:—Mr. Speaker:—Your Committee on Horticulture & Agriculture, to whom was referred House Bill No. 63, a bill for an act to amend an act entitled, an act to create the State Board of Horticulture, to prescribe its powers and duties, and to appropriate money therefor, approved February 17th, 1899, have carefully considered the same, and recommend that it be indefinitely postponed."

On motion of Sales, seconded by Bray of Lewis and Clarke, report adopted—Bill indefinitely postponed.

By Bever:—Mr. Speaker:—Your Committee on Affairs of Cities, having had under consideration House Bill No. 160, entitled an act to close saloons between the hours of 12 o'clock Saturday night and 6 o'clock the following Monday morning, and to provide a penalty for the violation of this act, and to repeal all laws in conflict with this law, beg leave to report same back to the House with the recommendation that it be indefinitely postponed." Moved by Bray of Lewis and Clarke, seconded by Brownlee, report adopted, and bill indefinitely postponed.

By Bever:—Mr. Speaker:—Your Committee on Affairs of Cities, having had under consideration House Bill No. 81, entitled an act to amend section 1330 of the Political Code of Montana, relating to the employment of City Superintendent of Schools, beg leave to report same back to the House with the recommendation that it do pass, after inserting the following clause:

"Section 2. This act shall be in full force from and after its passage and approval." On motion of Wilson of Cascade, amendment adopted, and bill ordered printed.

By Conner:—Mr. Speaker:—Your Committee on Appropriations to whom was referred House Bill No. 159, a bill for an act appropriating money for the payment of claims of certain persons and corporations for account of services rendered and supplies furnished to the State Normal School at Dillon, Montana, during the year 1902, for which no appropriation had previously been made, report same back with the recommendation that it do pass." Ordered printed.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Committee on Libraries:—H. B. No. 196. An act appropriating money

for the purchasing and placing metallic fixtures and shelving for the Historical and Miscellaneous Department of the State Library.

By Hilger:—H. B. No. 197. A bill for an act entitled an act to provide for the appointment and qualification of a Deputy Secretary of State, Deputy State Treasurer, Deputy State Auditor and Deputy State Superintendent of Public Instruction.

By Committee on Ways & Means:—H. B. No. 198. A bill for an act entitled an act to provide travelling expenses for County Assessors while making the annual assessment.

By Committee on Ways & Means:—H. B. No. 199. An act to amend sections 3692 and 3693 of the Political Code, relating to the assessment of bank stock.

By Lanstrum:—H. B. No. 200. An act to provide for the publication of the tax rolls of the several counties of the State of Montana.

By Allen:—H. B. No. 201. A bill for an act to amend sections 1354, 1360, 1368 and 1370 of the Political Code, relating to elections.

By Woodworth:—H. B. No. 202. A bill for an act to be entitled an act to enable the Normal School Land Grant to be further utilized in providing additional buildings and equipment for the Montana State Normal School.

By Lynch:—H. B. No. 203. An act to amend Chapter 10 of the Political Code of the State of Montana, relating to pawn brokers, and amending the title thereto so as to include dealers in second-hand goods and junk dealers.

By Wood:—H. B. No. 204. A bill for an act to amend sections 513 and 514, Chapter 3, Title 2, Part 2, of the Code of Civil Procedure, relating to the limitation of time within which actions may be brought.

By Wood:—H. B. No. 205. A bill for an act to repeal Article 12, of Part 4, Title 2, Chapter 3, of the Political Code, relating to the office of County Auditor, which said Article 12 comprises Sections 4500 to 4570 inclusive; also to amend section 4312 of the Political Code, defining the officers of a county; also to amend section 4602 of the Political Code relating to deputies of county officers; also to amend section 5181 of the Political Code, relating to certain acts of the 3rd and 4th sessions of the Legislative Assembly, and an act to create the office of County Auditor being continued in force and effect after the adoption of the Code.

By Wilson of Cascade:—H. B. No. 206. A bill for an act to amend Section 4596 of the Political Code of the State of Montana, relating to the compensation allowed deputies and assistants.

By Committee on Appropriations:—H. B. No. 207. An act appropriating money for the payment of claims of certain persons for services rendered and supplies furnished to the Historical Library.

Also, H. B. No. 208. An act appropriating money for the payment of the claims of certain persons for services rendered and supplies furnished in maintenance of the Capitol Building.

Also, H. B. No. 209. An act appropriating money for the payment of claims of certain persons for services rendered and supplies furnished to State School of Mines.

Also, H. B. No. 210. An act appropriating money for the payment of claims of certain persons for supplies furnished the State Furnishing Board.

Also, H. B. No. 211. An act appropriating money for the payment of the claim of Lewis and Clarke County, account rent and janitor service, state offices.

Also, H. B. No. 212. An act appropriating money for the payment of the claim of the State Publishing Company, account public printing.

Also, H. B. No. 213. An act appropriating money for the payment of the claims of certain persons for services rendered and supplies furnished to Attorney General's office.

Also, H. B. No. 214. An act appropriating money for the payment of claims of certain persons for services rendered and supplies furnished the Superintendent of Public Instruction.

Also, H. B. No. 215. An act appropriating money for the payment of claims of certain persons for services rendered to office of Secretary of State.

Also, H. B. No. 216. An act appropriating money for the payment of

the claim of the Western Union Télégraph Company, account services rendered the State Board of Examiners.

Also, H. B. No. 217. An act appropriating money for the payment of the claim of A. C. Schneider, account transcribing proceedings in the Supreme Court.

Also, H. B. No. 218. An act appropriating money for the payment of claims of certain persons account maintenance of National Guard.

Also, H. B. No. 219. An act appropriating money for the payment of the claim of E. J. Groeneveld, account travelling expenses Board of Charities & Reform.

Also, H. B. No. 220. An act appropriating money for the payment of claims of certain persons for services rendered and supplies furnished to the State Reform School.

Also, H. B. No. 221. An act appropriating money for the payment of the claims of certain persons for services rendered and supplies furnished the Clerk of the Supreme Court.

Also, H. B. No. 222. An act appropriating money for the payment of the claim of the W. S. Edwards Manufacturing Company, account completion and equipment Capitol Building.

Also, H. B. No. 223. An act appropriating money for the payment of the claim of John M. Evans, account expenses as members of the State Board of Education.

Also, H. B. No. 224. An act appropriating money for the payment of the claims of certain persons for services rendered the State Game & Fish Warden.

Also, H. B. No. 225. An act appropriating money for the payment of the claim of A. F. Longeway, account services as member of the State Board of Health.

Also, H. B. No. 226. An act appropriating money for the payment of the claim of Bernard Shanahan, account court costs.

Also, H. B. No. 227. An act appropriating money for the payment of claims of certain persons for services rendered and supplies furnished the State Orphans Home.

MOTIONS & RESOLUTIONS.

Everett introduced the following:—

BE IT RESOLVED, by the House of Representatives, that the Committee on Irrigation and Water Rights be, and it is hereby authorized and directed to thoroughly investigate and make a complete report to the House of all the transactions of the Arid Land Commission, which said report shall show the projects undertaken, the work accomplished thereon, the amount of bonds issued for each separate district and for other purpose, the value received for such bonds issued and persons to whom bonds were delivered, and the value received for the same, and account for all moneys appropriated for and received by such commission or by any officer or member thereof, and all moneys by said commission or any officer or member thereof expended, the name of the person from whom received, the purpose for which received, and the disposition made of all moneys so appropriated and received, the character and the value of the consideration therefor, and the legal authorities, if any, for obtaining and expending the same. And that said committee inquire particularly into and report upon the amount of about \$30,000.00 received by David A. Cory and Donald Bradford, members of the said Arid Land Commission, from A. Wormser, the purpose for which said money was received and for what expended, the legal authority for such expenditure, and the names of all persons to whom such amount or any particular portion thereof was paid out and the date of payment; and be it Further Resolved, that said committee be and is hereby authorized to send for papers administer oaths and employ an expert accountant if need be, to examine the books and papers of such commission, such expert accountant not to be paid a sum to exceed \$200.00."

By Tolman:—"Mr. Speaker:—BE IT RESOLVED, that the Arid Land

Commission be requested to make a report showing what said board has done and is doing."

Word moved, seconded by Hilger, that the resolutions be laid upon the table—LOST.

On motion, both resolutions were ordered considered together. RESOLUTIONS ADOPTED.

Story moved, Wilson of Cascade seconded, that the vote by which the report of the Committee on Appropriations, on sheriffs' claims was adopted, on yesterday, be reconsidered, upon which a division was called—Ayes 42. Nays, 18—Vote Reconsidered.

Lanstrum moved the previous question—Carried.

Duggan moved, Whiteley seconded, that when the House adjourn it do adjourn until Monday at 2 o'clock P. M.—Carried.

The vote recurring upon the adoption of the report of the Committee on Appropriations, above referred to, the roll was called with the following result:—

Ayes:—Bray of Lewis and Clarke, Benson, Brownlee, Conner, Dwight, Faust, Johnson, King, Lancaster, Lanstrum, Linderman, Miller, MacDonald, Noble, Self, Stadler, Teal, Vagg, Wilson of Lewis and Clarke, Woodworth, Word and Mr. Speaker—22.

Nays:—Allen, Arthur, Axtell, Bray of Rosebud, Beaudry, Bever, Buchanan, Burt, Dempster, Downey, Duggan, Everett, Flaherty, Gangner, Graham, Harrison, Hilger, Hilman, Linemann, Lynch, Morrissey, Mullins, McCone, MacGinniss, Owen, Pearson, Pelletier, Rice, Sales, Schwend, Shannon, Stapleton, Story, Swindlehurst, Sykes, Tolman, Tooley, Webb, Wilson of Cascade, Wood,—40.

Motion Lost.

On motion of Stapleton, the whole question was referred to the Judiciary Committee.

On motion of Cannon, seconded by Graham, at 11.50 A. M. the House adjourned.

B. F. WHITE,
Speaker.

NATHAN GODFREY,
Chief Clerk.

THIRTY-SIXTH DAY

Monday, February 9th, 1903.

House met pursuant to adjournment at 2 o'clock P. M.

Mr. Speaker Pro Tem in the chair.

Roll called—All members present except Woodworth, Owen and Mr. Speaker, absent on Leave.

Prayer by the Chaplain.

Journal of previous day read and approved.

NOTICES OF BILLS.

The following notices were given:—

By Harrison:—A bill for an act providing for the submission to the qualified electors of the State of Montana, of an amendment to section 6, of Article 13, of the constitution, relating to public indebtedness.

By Lynch:—A bill for an act entitled an act defining the duties of the Boards of Equalization and Assessors in the State of Montana, and providing for their removal from office upon failure to discharge the same, and providing a penalty therefor.

By MacGinniss:—A bill for an act entitled an act to regulate primary elections.

By Gangner:—A bill for an act entitled an act to provide for the payment of employees semi-monthly by corporations and other employers of labor, in cities having a population of 5000 or over, and within a radius of three miles thereof, and providing a penalty for the violation thereof.

By Rice:—A bill for an act entitled an act to amend sections 2956, 2957, and 2990, and to repeal section 2358 of the Political Code, regarding moneys received from sale of stray cattle and horses.

By Allen:—A bill for an act relating to the manner in which tax notices must be printed.

By Lanstrum:—An act to provide for the location and construction of an asylum for the insane.

By Miller:—A bill for an act to provide for the appointment of a warden for the State Penitentiary and the care of the prisoners therein by the officers of the State.

By Committee on Corporations other than Municipal:—A bill for an act to amend section 410 of the Political Code of Montana, as amended, relating to the fees of the Secretary of State.

By Everett:—A bill for an act entitled an act to fix the maximum rate to be charged by railroad companies for the transportation of coal, and fixing a penalty for its violation.

REPORTS OF STANDING COMMITTEES.

The following reports were made:—

By Wilson of Cascade:—

"Mr. Speaker:—Your Committee on Engrossment begs leave to report House Bills Nos. 8, 96 and 145 as correctly engrossed.

By Buchanan:—"Mr. Speaker:—Your Committee on Printing begs leave to report that House Bill No. 155, Substitute for House Bill No. 101, Substitute for House Bill No. 67, House Bills Nos. 92 and 12, and Substitutes for House Bills Nos. 18 and 52, as having been returned correctly printed."

By Self:—"Mr. Speaker:—Your Committee on Judiciary to whom was referred House Bill No. 2, introduced by Stapleton, House Bill No. 11, introduced by Hilger, and House Bill No. 14, introduced by Schwend, beg leave to say that we have had each of said bills under consideration, and report back a substitute for all of said bills, which substitute is entitled "An Act providing for the submission to the qualified electors of the State of Montana of an amendment to sections 1 and 20 of Article 5 of the constitution of the State of Montana, relating to the Legislative Department", with the recommendation that the substitute be referred to the Printing Committee and then placed an general orders."

On motion of Hilger, seconded by Stapleton, the substitute was adopted and the bill ordered printed.

By Brownlee:—"Mr. Speaker:—Your Committee on Townships & Counties to whom was referred House Bill No. 118, a bill for an act to encourage and aid associations, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass." Ordered Printed.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:—

By Swindlehurst:—H. B. No. 228. A bill for an act authorizing receivers, assignees, trustees, guardians, committees, executors, administrators or curators or any person holding positions of judicial trust to include as a part of the lawful expense of executing their trust, the cost of procuring bonds, and also providing for the payment of such costs under certain conditions, by city or county authorities.

By Lynch:—H. B. No. 229. An act to amend section 3741 of the Political Code of the State of Montana, relating to the equalization of railroad property by the State Board of Equalization.

By Pelletier:—H. B. No. 230. An act appropriating money for the payment of the claims of certain persons for expenses incurred in transporting prisoners to the penitentiary during the years 1899, 1900, 1901 and 1902.

By Lanstrum:—H. B. No. 231. A bill for an act to enable cities which have incurred an indebtedness in excess of the limit provided in Section 6, Article 13 of the constitution of the State of Montana, to liquidate and pay the same.

By Word:—H. B. No. 232. A bill for an act providing for the payment of the indebtedness and expenses hereafter incurred by cities, the indebtedness of which exceeds the limit provided in section 602, Article 13 of the constitution of the State of Montana, and further providing for the levy and collection of taxes for such purposes.

Hilger introduced Joint Resolution No. 1, relating to the election of United States Senators by direct vote of the people. Laid over one day.

READING OF HOUSE BILLS.

The following bills were taken from the file:—

- on H. B. No. 196, read first and second times, and referred to Committee State Institutions, Public Buildings and Grounds.
- on H. B. No. 197, read first and second times, and referred to Committee State Boards and Officers.
- on H. B. No. 198, read first and second times, and referred to Committee State Boards and Officers.
- on H. B. No. 199, read first and second times, and referred to Committee Judiciary.
- on H. B. No. 200, read first and second times, and referred to Committee Townships and Counties.
- on H. B. No. 201, read first and second times, and referred to Committee Apportionment and Representation.
- on H. B. No. 202, read first and second times, and referred to Committee State Institutions, Public Buildings and Grounds.
- on H. B. No. 203, read first and second times, and referred to Committee Internal Improvements.
- on H. B. No. 204, read first and second times, and referred to Committee Judiciary.
- on H. B. No. 205, read first and second times, and referred to Committee State Boards and Officers.
- on H. B. No. 206, read first and second times, and referred to Committee State Institutions, Public Buildings and Grounds.
- on H. B. No. 207, read first and second times, and referred to Committee State Boards and Officers.
- on H. B. No. 208, read first and second times, and referred to Committee State Boards and Officers.
- on H. B. No. 209, read first and second times, and referred to Committee State Boards and Officers.
- on H. B. No. 210, read first and second times, and referred to Committee State Boards and Officers.
- on H. B. No. 211, read first and second times, and referred to Committee State Boards and Officers.
- on H. B. No. 212, read first and second times, and referred to Committee State Boards and Officers.
- on H. B. No. 213, read first and second times, and referred to Committee State Boards and Officers.
- on H. B. No. 214, read first and second times, and referred to Committee State Boards and Officers.
- on H. B. No. 215, read first and second times, and referred to Committee State Boards and Officers.
- on H. B. No. 216, read first and second times, and referred to Committee State Boards and Officers.
- on H. B. No. 217, read first and second times, and referred to Committee State Boards and Officers.
- on H. B. No. 218, read first and second times, and referred to Committee State Boards and Officers.
- on H. B. No. 219, read first and second times, and referred to Committee State Boards and Officers.
- on H. B. No. 220, read first and second times, and referred to Committee State Boards and Officers.
- on H. B. No. 221, read first and second times, and referred to Committee State Boards and Officers.

H. B. No. 222, read first and second times, and referred to Committee on State Boards and Officers.

H. B. No. 223, read first and second times, and referred to Committee on State Boards and Officers.

H. B. No. 224, read first and second times, and referred to Committee on State Boards and Officers.

H. B. No. 225, read first and second times, and referred to Committee on State Boards and Officers.

H. B. No. 226, read first and second times, and referred to Committee on State Boards and Officers.

H. B. No. 227, read first and second times, and referred to Committee on State Boards and Officers.

H. B. No. 228, read first and second times, and referred to Committee on Townships and Counties.

H. B. No. 229, read first and second times, and referred to Committee on Railroads and Transportation.

H. B. No. 230, read first and second times, and referred to Committee on Judiciary.

H. B. No. 231, read first and second times, and referred to Committee on Affairs of Cities.

H. B. No. 232, read first and second times, and referred to Committee on Affairs of Cities.

Self moved, seconded by Faust, that when the House do adjourn, it adjourn until to-morrow at 10 o'clock A. M.—Carried.

MESSAGES FROM THE GOVERNOR AND SENATE.

“February 7th, 1903.

To the Speaker of the House of Representatives, House of Representatives, Helena, Montana.

Sir:—I have the honor to inform you that I have approved House Bill No. 24, an act to repeal sections 3698 and 3699 of the Political Code of the State of Montana, relating to the Board of Appraisers of Real Estate.

J. K. TOOLE, Governor.”

“Mr. Speaker:—I am directed by the Senate to inform your Honorable body that the following bills were read a third time and passed, and are herewith transmitted for your concurrence:—

Senate Bills Nos. 10, 17, 28, 29, 30, 32, 33, 44, 45, and Substitute for Senate Bill No. 12, and Senate Joint Memorials Nos. 1 and 2.

Also that House Bill No. 31 was read a third time and concurred in, and is herewith transmitted.”

X. K. STOUT, Secretary.”

“Mr. Speaker:—I am directed by the Senate to inform your Honorable body that notices of the introduction of bills were given as follows:—

By Murray:—An act to enable the Normal School Land Grant to be further utilized in providing additional buildings and equipment for the Montana State Normal School.

By Whipple:—A bill for an act to provide for Torren's system of land titles and transfers.

By Biggs:—A bill entitled, an act repealing sections 3875 and 3879, and amending sections 3873 and 3874, 3876, 3877, and 3878, of the Political Code, relating to the publication of delinquent tax lists.

By Mahon:—A bill for an act entitled an act providing for protection from fire along the right of way of railroads.

Also, that the following bills were introduced and read first and second times:—

S. B. No. 64, by Johnson. A bill for an act authorizing Boards of County Commissioners to loan money collected by authority of section 4247, Article 3, Chapter 2, Title 2, Part 4, of the Political Code of the State of Montana, relating to the levying and collecting of taxes for sinking fund to pay bonded indebtedness.

S. B. No. 65, by Johnson. An act to repeal section 1704 of the Political Code, relating to the duties of the Superintendent of Public Instruction,

and to amend section 1516 of the Political Code, relating to the powers and duties of the State Board of Education.

S. B. No. 66, by Yegen. An act making the wilful or malicious taking or removal of the waste, packing, brass or brasses from any journal box or boxes of any locomotive, engine, tender, carriage, coach, car, caboose, or truck used or operated, or capable of being used or operated upon any railroad, whether the same be operated by steam or electricity, a felony, and providing penalties therefor.

S. B. No. 67, by Durham. An act permitting School District Trustees to use school funds for the purpose of transporting pupils and paying their tuition.

S. B. No. 68, by Durham. An act creating a county Examining Board for the purpose of examining teachers, and defining the powers and duties, and fixing the compensation of the members of such board.

On motion of Lynch, seconded by Miller, at 4.20 P. M., the House adjourned.

B. F. WHITE,
Speaker.

NATHAN GODFREY,
Chief Clerk.

THIRTY-SEVENTH DAY

Tuesday, February 10th, 1903.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—all members present except MacDonald.

Pelletier and Woodworth absent under excuse.

Prayer by the Chaplain.

Journal of yesterday read and approved.

A communication from Butte citizens, asking for the passage of Senate Bills Nos. 8 and 9, was received. Referred to Committee on Judiciary.

Petitions were received from certain Labor Unions, asking for the adoption of the Initiative and Referendum. Referred to Committee on Judiciary.

NOTICES OF BILLS.

The following notices were given:—

By King:—A bill for an act to establish a law uniform with the laws of other states, relating to negotiable instruments.

By Luemann:—A bill for an act making an appropriation for the State Bureau of Child and Animal Protection for the years 1903 and 1904.

By Benson:—A bill for an act providing for the allowance of an attorney's fee as a part of the costs in civil actions for the recovery of money due or to enforce the performance of a contract or contracts.

By Lanstrum:—A bill for an act to amend section 603 of the Political Code of the State of Montana, relating to the refusal to grant certificates to practice medicine and surgery by the State Board of Medical Examiners.

By Lynch:—A bill for an act compelling the city councils and other municipal governing bodies of the cities and towns of the State of Montana, to annually fix the rates to be charged the public within their jurisdiction, for gas, water, electric light, electric power, and for telephones and street car fares, and fixing penalties for any over-charges of any fixed rates.

By Lynch:—A bill for an act to prevent certain persons from practicing law before any Police Magistrate or Justice of the Peace court in the State of Montana.

By Lynch:—A bill for an act providing for the filing with the City Clerk of all cities and towns in Montana, a sworn statement once a year by all owners or operators of all public utilities doing business therein, showing the total itemized investment, total income, with the sources thereof, together with a detailed account of the actual legitimate expenses

for the current fiscal year, with the total net profits for same year, and that all such statements shall be sworn to by the owner, operator, superintendent, general manager or person in charge of such public utilities, and such statement shall be published at least once in some newspaper published in such city or town, or if no newspaper be published in such city or town, then in a newspaper published in the city or town nearest the place where the said public utility is operated, and providing for a penalty for the non-compliance.

By Rice:—A bill for an act entitled "an act to create a county of Bear Paw, to define its boundaries, to provide for its organization and government, and to alter the boundaries of Choteau County.

By Dempster:—A bill for an act to punish the offense of advertising for divorces.

REPORTS OF STANDING COMMITTEES.

The following reports were made:—

By Buchanan:—"Mr. Speaker:—Your Committee on Printing begs leave to report House Bill No. 166 and Joint Rules of the Senate and House of Representatives as having been returned correctly printed."

By Miller:—"Mr. Speaker:—Your Committee on State Boards and Officers to which was referred House Bill No. 198, a bill for an act entitled, an act to provide travelling expenses for county assessors while making the annual assessment, having had the same under consideration, and reports the same back to the House with the recommendation that it be indefinitely postponed."

Moved by Martin, seconded by Word, the report was adopted, and bill indefinitely postponed.

By Miller:—"Mr. Speaker:—Your Committee on State Boards and Officers to which was referred Senate Bill No. 20, a bill for an act entitled an act to provide for the investment of and to require the State Board of Land Commissioners to invest a permanent school fund, permanent University fund, permanent Agricultural fund, and imposing duties upon state, county, city and school district officers in connection therewith, and repealing an act of the Seventh Legislative Assembly of the State of Montana, approved March 16, 1901, entitled, "An act entitled an act to authorize and to provide for the investment of the permanent school fund, permanent university fund, and other land grant funds, held by the State Treasurer, with the advice and consent of the State Board of Land Commissioners, to make such investment", has had same under consideration, and begs leave to report same back to the House with the recommendation that it be concurred in." Referred to General Orders.

By Miller:—"Mr. Speaker:—Your Committee on State Boards and Officers to which was referred Senate Bill No. 23, a bill for an act to amend sections 1652 and 1656 of Chapter 5, Title 3, Part 3, of the Political Code of Montana, relating to the State Normal School, has had same under consideration and reports the same back to the House with the recommendation that it be concurred in." Referred to General Orders.

By Miller:—"Mr. Speaker:—Your Committee on State Boards and Officers to whom was referred House Bill No. 161, a bill for an act appropriating money for the payment of the claim of the State Publishing Company, account furnishing supplies to the State Boards and Officers, during the year 1900, having had same under consideration, beg leave to report the same back to the House with the recommendation that it be referred to the Printing Committee and then placed on general orders."

Story moved that the bill be referred to the Printing Committee—Carried.

By Miller:—"Mr. Speaker:—Your Committee on State Boards and Officers to which was referred House Bill No. 195, a bill for an act entitled an act to amend sections 580, 581, and 582 of the Political Code of the State of Montana, as amended by an act entitled an act amending sections 580, 581 and 582, Part 2, Title 1, Chapter 3, Article 15, of the Political Code of the State of Montana, relating to the Inspector of Mines, and approved March 4th, 1897, has had same under consideration, and reports the same

back to the House with the recommendation that it do pass." Bill ordered printed.

By Miller:—"Mr. Speaker:—Your Committee on State Boards and Officers to which was referred House Bill No. 189, a bill for an act entitled an act to amend an act entitled, "An act creating the office of Inspector of Coal Mines, defining his duties and providing his salary, and providing penalties thereon, approved March, 18, 1901," having had the same under consideration, reports the same back to the House with the recommendation that it be referred to the Printing Committee, and then placed on General Orders." Bill ordered printed.

By Miller:—"Mr. Speaker:—Your Committee on State Boards and Officers to which was referred House Bill No. 197, a bill for an act entitled an act to provide for the appointment and qualification of a Deputy Secretary of State, Deputy State Treasurer, Deputy State Auditor, and Deputy State Superintendent of Public Instruction, having had same under consideration, reports the same back to the House with the recommendation that it be amended by adding after "bonds" in last line the words "provided nothing herein contained shall be construed to authorize an increase of the number of employees in any office"; and as amended, recommend that the same do pass." On motion of Wilson of Cascade, seconded by Story, the report was adopted and bill ordered printed.

By Conner:—"Mr. Speaker:—Your Committee on Appropriations to whom was referred House Bill No. 173, a bill for an act appointing a commission, making an appropriation and providing for an exhibition of the arts, industries, manufactures, and products of the soil, mines, ranges, and forests of the State of Montana, at the Louisiana Purchase Exposition, to be held in Saint Louis in the year 1904, reports same back with the recommendation that it do pass." Bill ordered printed.

By Rice:—"Mr. Speaker:—Your Committee on Privileges and Elections to whom was referred House Bill No. 156, a bill for an act to amend section 1412 of Chapter 10, Part 3, Title 2, of the Political Code, relating to elections, report said bill back to the House with the recommendation that it do pass." Bill ordered printed.

By Hilman:—"Mr. Speaker:—Your Committee on Military Affairs, having had under consideration House Bill No. 187, a bill for "An act enlarging the powers of the Board of Managers of the Soldiers' Home, admitting disabled miners to the benefits and privileges thereof and making an appropriation therefor beg leave to report the same back to the House with the recommendation that it be referred to the Committee on Judiciary."

On motion of Miller, the report was adopted, and bill referred to Committee on Judiciary.

By Conner:—"Mr. Speaker:—Your Committee on Appropriation to whom was referred House Bill No. 186, a bill for an act entitled an act to pay employees of the Senate and House as provided in Section 209, Part 3, Title 1, Chapter 2, Article 4 and as provided for in Section 223, Part 3, Title 1, Chapter 2, Article 5, of the Political Code of the State of Montana, report same back with the recommendation that it do pass." Bill ordered printed.

By Brownlee:—"Mr. Speaker:—Your Committee on Townships & Counties to whom was referred House Bill No. 103, a bill for an act entitled "An act to extend and define the boundaries of Sweet Grass County, and to alter the boundaries of Park County to conform thereto, having had same under consideration, beg leave to report the same back to the House with the recommendation that it do pass." Bill ordered printed.

By Brownlee:—"Mr. Speaker:—Your Committee on Townships and Counties to whom was referred House Bill No. 87, a bill for an act to amend section 4220 of the Political Code of the State of Montana, relating to sessions of the County Commissioners, having had same under consideration, beg leave to report the following substitute." On motion of Miller, report adopted, and substitute bill ordered printed.

By Faust:—"Mr. Speaker:—Your Committee on Federal Relations to whom was referred Joint Memorial No. 2 of the Legislative Assembly of the Territory of New Mexico, have had the same under consideration and

beg leave to submit the following memorial with the recommendation that the same be adopted."

H. J. Memorial No. 6, relating to the admission of the Territories of Oklahoma, New Mexico and Arizona. Read and ordered printed.

By Buchanan:—"Mr. Speaker:—Your Committee on Printing begs leave to report that Substitute for House Bills Nos. 2, 11, and 14, are not in shape to print, and we ask that it be returned to the Judiciary Committee for correction." On motion of Conner, report adopted.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:—

By Williams:—H. B. No. 233. A bill for an act providing for the submission to the qualified voters of the State of Montana of an amendment to section 18, Article 8, of the constitution, relating to clerks of the District Court.

Also, H. B. No. 234. A bill for an act providing for the submission to the qualified voters of the State of Montana of an amendment to section 6, Article 16, of the constitution, relating to the consolidation of county offices.

By Harrison:—H. B. No. 235. A bill for an act providing for the submission to the qualified electors of the State of Montana of an amendment to section 6, Article 13, of the constitution, relating to public indebtedness.

By Rice:—H. B. No. 236. A bill for an act to amend sections 2956, 2957, and 2990, and to repeal section 2958 of the Political Code.

By Everett:—H. B. No. 237. An act to fix the maximum rate to be charged by railroad companies for the transportation of coal and fixing the penalty for its violation.

By Lynch:—H. B. No. 238. A bill for an act defining the duties of the Boards of Equalization and Assessors in the State of Montana, and providing for their removal from office upon failure to discharge the same, and providing a penalty therefor.

By Bray of Rosebud:—H. B. No. 239. An act to amend Senate Bill No. 78 of the Sixth Legislative Assembly of the State of Montana, being an act to protect the owners of horses and to cause the inspection of the same.

By Committee on Live Stock and Public Ranges:—H. B. No. 240. A bill for an act approving claims Nos. 27483 and 27501, and providing for payment thereof.

By Flaherty:—H. B. No. 241. A bill for an act to amend section 17, an act of the Seventh Legislative Assembly, entitled an act to amend sections 1, 2, 3, and 4 of an act of the Sixth Legislative Assembly, entitled an act to protect owners of horses and to cause the inspection of the same.

By Miller:—H. B. No. 242. A bill for an act to provide for the appointment of a warden for the State Penitentiary and the care of the prisoners therein by the officers of the state.

By Committee on Mines & Mining. H. B. No. 243. A bill for an act to amend sections 582, 583, 584, 585, 586 and 589 of Article 15, Chapter 3, Title 1, Part 3, of the Political Code, relating to Inspector of Mines.

Also, H. B. No. 244. An act to amend section 705, of Title 10, of the Penal Code of the State of Montana, to have the cages in all mines cased in, as amended by House Bill No. 77 of the Laws of the Fifth Legislative Assembly.

By Lanstrum:—H. B. No. 245. A bill for an act to provide for the location and construction of an asylum for the insane.

Swindlehurst moved, Lynch seconded, that House Bill No. 103 be re-committed to Committee on Townships & Counties—Carried.

READING OF SENATE BILLS.

S. J. M. No. 1, read and referred to Committee on Live Stock & Public Ranges.

S. J. M. No. 2, read and referred to Committee on Live Stock & Public Ranges.

S. B. No. 10, read first and second times, and referred to Committee on State Boards and Officers.
S. B. No. 12, read first and second times, and referred to Committee on Ways & Means.
S. B. No. 17, read first and second times, and referred to Committee on Labor.
S. B. No. 28, read first and second times, and referred to Committee on Live Stock and Public Ranges.
S. B. No. 29, read first and second times, and referred to Committee on Fish & Game.
S. B. No. 30, read first and second times, and referred to Committee on Fish & Game.
S. B. No. 32, read first and second times, and referred to Committee on Townships and Counties.
S. B. No. 38, read first and second times, and referred to Committee on Judiciary.
Conner raised the point of no quorum present, and asked for a call of the House.
Roll was called, and a quorum was found present.
Senate Bill No. 44 read first and second times, and referred to Committee on Privileges and Elections.
Senate Bill No. 45, read first and second times, and referred to Committee on Privileges and Elections.
House Joint Memorial No. 1, read and referred to Committee on Judiciary.
On Motion of Lanstrum, seconded by Faust, at 11.50 A. M., the House took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

House reassembled at 2 o'clock P. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

Miller gave the following notice:

"Mr. Speaker:—I give notice that I will on to-morrow move a reconsideration of the vote by which the report of the Committee on State Boards and Officers was adopted, recommending House Bill No. 198 be indefinitely postponed."

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 233, read first and second times, and referred to Committee on Judiciary.
H. B. No. 234, read first and second times, and referred to Committee on Judiciary.
H. B. No. 235, read first and second times, and referred to Committee on Judiciary.
H. B. No. 236, read first and second times, and referred to Committee on Live Stock and Public Ranges.
H. B. No. 237, read first and second times, and referred to Committee on Railroads and Transportation.
H. B. No. 238, read first and second times, and referred to Committee on Townships and Counties.
H. B. No. 239, read first and second times, and referred to Committee on Live Stock and Public Ranges.
H. B. No. 240, read first and second times, and referred to Committee on Live Stock and Public Ranges.
H. B. No. 241, read first and second times, and referred to Committee on Live Stock and Public Ranges.
H. B. No. 242, read first and second times, and referred to Committee on State Institutions, Public Buildings and Grounds.

H. B. No. 243, read first and second times, and referred to Committee on Mines and Mining.

H. B. No. 244, read first and second times, and referred to Committee on Labor.

H. B. No. 245, read first and second times by title only, and referred to Committee on State Boards and Officers, the rules having been suspended on motion of Miller.

MESSAGES FROM THE SENATE.

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that Notices of the Introduction of bills were given as follows:—

By Albright:—A bill for an act to amend section 1054 of the Criminal Code of the State of Montana, relating to malicious mischief, by adding to said section another sub-division to be known as 7.

By Whipple:—A bill for an act entitled an act authorizing the State Auditor to arrange and file in numerical and alphabetical order all vouchers and state papers in his office for the years prior to 1900, specifying the time and the compensation therefor.

By Anderson:—A bill for an act entitled an act to amend sections 860, 861, 862, 863, and 165 of the Civil Code, relating to religious, social and benevolent corporations.

Also, the following bills were introduced, and read first and second times:—

S. B. No. 69, by Biggs: An act repealing sections 3875 and 3879, and amending sections 3873, 3874, 3876, 3877, and 3878 of the Political Code, relating to the publication of delinquent tax lists.

S. B. No. 70, by Hoffman. A bill for an act to compel railway corporations operating in Montana to correctly report delayed passenger trains to the travelling public.

S. B. No. 71, by Hoffman. An act entitled an act to amend section 615 of the Code of Civil Procedure, relating to the place of trial of civil actions.

S. B. No. 72, by Maddox. An act to amend sections 3204, and 3205, of Chapter XI, Part III, Title VII, of the Political Code relating to the poor.

S. B. No. 73, By Murray. A bill for an act to be entitled an act to enable the Normal School Land Grant to be further utilized in providing additional buildings and equipment for the Montana State Normal School.

Also, that House Bill No. 13 was to-day indefinitely postponed for the reason that Senate Bill No. 4 covers the same ground and has been passed by the House and Senate, and same is herewith returned.

Also, that House Bill No. 59, House Bill No. 50, and House Bill No. 45, were to-day read third time and concurred in, and are herewith returned.

Also, that Senate Bills Nos. 40 and 46 were read third time and passed, and are herewith transmitted to the House for its concurrence."

Respectfully,

X. K. STOUT, Secretary."

House Bills Nos. 59, 50, and 45 ordered enrolled.

Senate Bills Nos. 40 and 46 placed on General Orders.

THIRD READING OF BILLS.

House Bill No. 108, read third time and passed by the following vote:

Ayes:—Allen, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Burt, Benson, Conner, Downey, Duggan, Dwight Farmer, Faust, Flaherty, Gangner, Giltinan, Graham, Hilger, Hillman, Johnson, King, Lancaster, Lanstrum, Lehson, Linemann, Linderman, Lynch, Martin, Miller, Miles, Morrissey, Mullins, MacDonald, Noble, O'Keefe, Owen, Self, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Whiteley, Williams, Wilson of Lewis and Clarke, Wood, Word—53.

Nays:—Everett, Harrison, Hefferlin, MacGinniss, Rice, Sales, Tooley, Vagg, Webb, Wilson of Cascade, Mr. Speaker—11.

House Bill No. 26 read third time and passed by the following vote:

Ayes:—Allen, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Burt, Cannon, Conner, Dempster, Downey, Duggan, Dwight, Everett, Farmer, Faust, Flaherty, Gangner, Giltinan, Harrison, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Linemann, Linderman, Lynch, Martin, Miller, Miles, Morrissey, Mullins, MacDonald, Noble, O'Keefe, Owen, Rice, Sales, Self, Schwend, Shannon, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Word, Mr. Speaker—62.

Nays, None.

Allen introduced the following:—

"Mr. Speaker:—I move that House Bill No. 145 be referred back to the Committee on Highways, with instructions to amend the following sections:—Section 9, No. 7, page 4 of printed bill, by cutting out the words "mile stones or posts and"; amend section 29, Article 3, be amended to read as follows:—"Section 29. The special road tax and road tax levy mentioned in this act must not be levied or collected from the inhabitants or on the property in incorporated cities or towns, which by ordinance levy such taxes are collected for the streets and alleys thereof. "Article 6, Section 36, be amended by adding the following:—"At the expiration of his term of office, the Road Supervisors must turn over all such tools and implements to their successors or to the Board of County Commissioners". Article 3, Section 17, be amended so as to provide for the election of Road Supervisors in the road districts in each county, by the qualified electors of each district. Article 8, Section 52, be amended so as to give all road supervisors to the County Surveyor as far as construction, and that all work must be inspected and reported upon by the County Surveyor before paid for by the Board of County Commissioners. Section 77, Article 10, be amended so as to conform to section 29, Article 2, as amended. That the rules be suspended and the bill, as amended, be placed on its third reading."

Conner moved, seconded by Rice, that the motion of Allen be laid on the table upon which a division was called—Ayes, 41—Nays, 21—Carried.

Miller moved that it be taken from the table and referred to the Committee on Highways—Carried.

House Bill No. 8, read third time and lost by the following vote:—

Ayes:—Axtell, Beaudry, Benson, Brownlee, Bray of Rosebud, Conner, Dempster, Downey, Duggan, Dwight, Gangner, Giltinan, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lynch, Miller, Morrissey, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Rice, Self, Schwend, Shannon, Stadler, Stapleton, Swindlehurst, Sykes, Tolman, Whiteley, Williams, Wilson of Lewis and Clarke, Wood—41.

Nays:—Allen, Bray of Lewis and Clarke, Bever, Burt, Cannon, Everett, Farmer, Flaherty, Graham, Harrison, Linderman, Martin, Miles, Owen, Sales, Story, Teal, Tooley, Vagg, Webb, Wilson of Cascade, Word, Mr. Speaker—23.

House Bill No. 96 was read third time and passed by the following vote:—

Ayes:—Allen, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Burt, Dempster, Downey, Dwight, Everett, Farmer, Flaherty, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, King, Lancaster, Lehsou, Linemann, Linderman, Martin, Miller, Miles, Morrissey, Mullins, McCone, MacDonald, Owen, Pearson, Rice, Sales, Self, Schwend, Stadler, Story, Swindlehurst, Teal, Tolman, Tooley, Vagg, Webb, Williams, Wilson of Lewis and Clarke, Wood, Word—53.

Nays:—Cannon, Conner, Gangner, Johnson, Noble, Mr. Speaker—6.

GENERAL ORDERS.

House resolved itself into Committee of the Whole.

Miller in the chair.

House resumed.

Mr. Speaker in the chair.

Miller, from Committee of the Whole, reported as follows:—

“Mr. Speaker:—Your Committee of the Whole has had under consideration House Bill No. 53 and reports it back with the recommendation that it do pass.

Also, that it has had under consideration substitute for House Bill No. 119, and reports it back with the recommendation that it do pass as amended.

Also, that it has had under consideration House Bill No. 115, and reports it back with the recommendation that it be referred to the Committee on State Institutions, Public Buildings and Grounds.” Report Adopted.

House Bills Nos. 53 and 119 ordered engrossed.

House Bill No. 115 referred to Committee on State Institutions, Public Buildings and Grounds.

Tooley gave notice that he would move to reconsider the vote by which House Bill No. 8 was lost.

House resolved itself into Committee of the Whole.

Miller in the chair.

House resumed.

Mr. Speaker in the chair.

Miller, from Committee of the Whole, reported as follows:

“Mr. Speaker:—Your Committee of the Whole has had under consideration House Joint Memorial No. 5, Substitute for House Bill No. 98, and reports it back with the recommendation that it do pass.

Also, it has had under consideration House Bill No. 86, and reports it back with the recommendation that it do pass.

Also, that it has had under consideration House Bill No. 121, and reports it back with the recommendation that as amended it do pass.” Report Adopted.

Stapleton moved that the rules be suspended and House Bills Nos. 137 and 138 be taken out of their order and considered now—motion lost.

Tooley made the following report:

“Mr. Speaker:—Your Committee on Enrollment begs leave to report House Bill No. 31 as correctly enrolled.

The Speaker announced that he was about to sign House Bill No. 31.

Swindlehurst moved that the House do adjourn—Lost.

House resolved itself into Committee of the Whole.

Miller in the chair.

House resumed.

Mr. Speaker in the chair.

Miller from Committee of the Whole, reported as follows:—

“Mr. Speaker:—Your Committee of the Whole has had under consideration House Bill No. 136, and reports it back with the recommendation that as amended it do pass.

Also, that it has had under consideration Sub. for House Bill No. 23, and reports it back with the recommendation that as amended it do pass.

Also, that it has had under consideration Substitute for House Bill No. 55, and reports it back with the recommendation that as amended it do pass.” Report Adopted.

House Bill No. 136, Substitute for House Bill No. 23 and Substitute for House Bill No. 55 ordered engrossed.

House resolved itself into Committee of the Whole.

Miller in the chair.

House resumed.

Mr. Speaker in the chair.

Miller, from Committee of the Whole, reported as follows:

“Mr. Speaker:—Your Committee of the Whole has had under consideration Sub. for House Bill No. 88, and reports it back with the recommendation that it do pass.

Also, that it has had under consideration House Bill No. 138, and reports it back with the recommendation that it do pass.

Also, that it has had under consideration House Bill No. 137, and reports it back with the recommendation that it do pass.” Report Adopted.

Substitute for House Bill No. 88, and House Bills Nos. 138 and 137 ordered engrossed.

On motion of Lanstrum, at 5.10 P. M., the House adjourned to meet at 10 o'clock A. M. to-morrow.

B. F. WHITE,
Speaker.

NATHAN GODFREY,
Chief Clerk.

THIRTY-EIGHTH DAY

Wednesday, February 11th, 1903.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called, all members present except Duggan, MacGinniss and Morrissey.

Prayer by the Chaplain.

Journal of yesterday read and approved.

COMMUNICATIONS & PETITIONS.

A remonstrance was received from citizens of Missoula County, protesting against the division of the county. Referred to Committee on Townships & Counties.

Petitions were received from various labor unions, praying for the adoption of direct legislation. Referred to Committee on Judiciary.

NOTICES OF BILLS.

The following notices were given:—

By Stapleton:—A bill for an act to prevent wrongs to children and dumb animals and to establish a bureau of Child and Animal Protection.

By Committee on Mines and Mining:—A bill for an act to further protect underground miners.

By Beaudry:—A bill for an act to provide for the taxation of mortgages, deeds of Trust, contracts, and other obligations by which a debt is secured, and to create a lien for such taxes upon property effected.

REPORTS OF STANDING COMMITTEES.

The following reports were made:—

By Rice:—Mr. Speaker:—Your Committee on Privileges and Elections, to whom was referred House Bill No. 73, entitled an act to amend section 1181, Chapter 2, Part 3, Title 2, of the Political Code of the State of Montana, relating to the qualification of voters, beg leave to report said bill back to the House, that it do not pass, for the reason that an identical bill has already passed the Senate and will be before the House for concurrence at the proper time." On motion of Tooley, report adopted.

By Stadler:—"Mr. Speaker:—Your Committee on Internal Improvements, to whom was referred House Bill No. 175, a bill for an act entitled an act to regulate the charges for professional attendance by Alopathic and Homeopathic physicians, respectfully report the same back to the House without recommendation." Lanstrum moved to lay the bill on the table—Lost. Lynch moved that the bill be ordered printed—Carried.

By Bever:—"Mr. Speaker:—Your Committee on Affairs of Cities, having had under consideration House Bill No. 231, a bill for an act entitled an act to enable cities which have incurred an indebtedness in excess of the limit provided in Section 6, Article 13, of the constitution of the State of Montana, to liquidate and pay off the same, begs leave to report the same back to the House with the recommendation that it do pass." Bill ordered printed.

By Bever:—"Mr. Speaker:—Your Committee on Affairs of Cities, having had under consideration House Bill No. 232, a bill for an act providing for the payment of the indebtedness and expenses hereafter incurred by cities, the indebtedness of which exceeds the limit provided in Section 6, Article 13, of the constitution of the State of Montana, and further providing for the levy and collection of taxes for such purposes, begs leave to report same back to the House with the recommendation that it do pass." Bill ordered printed.

By Johnson:—"Mr. Speaker:—Your Committee on Fairs & Expositions to which was referred a communication from D. R. Francis, President of the Universal Exposition, commemorating the acquisition of the Louisiana Territory, in which he invites the State of Montana to send a regiment of the State National Guard to St. Louis, to participate in the dedicatory ceremonies of the Louisiana Purchase Exposition, having had same under consideration, report the same back without recommendation." Miller moved that the report be laid on the table—Carried.

By Johnson:—"Mr. Speaker:—Your Committee on Fairs & Expositions to which was referred a communication from C. E. Culp, Secretary of Committee on Ceremonies, of the World's Fair, St. Louis, in which he invites the State of Montana to send the National Guard to participate in the ceremonies attending the dedication of the buildings of the Louisiana Purchase Exposition, report same back without recommendation." On motion of Miller the report was laid on the table.

By Johnson:—"Mr. Speaker:—Your Committee on Fairs & Expositions to which was referred a communication from D. R. Francis, President of the Universal Exposition, commemorating the acquisition of the Louisiana Territory, in which he requests the Legislature of the State of Montana to make an adequate appropriation for a Montana exhibit at the Louisiana Purchase Exposition to be held at St. Louis, having had same under consideration, report same back without recommendation." On motion of Miller, the report was laid on the table.

By Johnson:—"Mr. Speaker:—Your Committee on Fairs & Expositions, to which was referred House Bill No. 158, also House Bill No. 163, have had same under consideration, and report same back to the House with the accompanying substitute, with the recommendation that the substitute do pass." On motion of Miller, report adopted and Substitute Bill ordered printed.

By Self:—"Mr. Speaker:—Your Committee on Judiciary to whom was re-referred at the request of the Printing Committee, substitute for House Bills Nos. 2, 11 and 14, entitled, an act providing for the submission to the qualified electors of the State of Montana of an amendment to sections 1 and 20, of Article 5, of the constitution of the State of Montana, relating to the legislative department, beg leave to say that we have had said substitute bill under consideration, and report same back corrected both in form and in substance, and with recommendation that the substitute as corrected be referred to the Printing Committee and then placed on General Orders." On motion of Stapleton, seconded by Hilger, the report was adopted, and substitute bill ordered printed.

By Self:—"Mr. Speaker:—Your Committee on Judiciary to whom was referred House Bill No. 204, introduced by Wood, entitled, an act to amend sections 513 and 514, Title 2, Chapter 3, Part 2, of the Code of Civil Procedure, relating to the limitation of time in which actions may be brought, beg leave to say that we have had said bill under consideration and report back to the House a substitute therefor, with the recommendation that said substitute do pass." On motion of Word, seconded by Hilman, report was adopted and substitute bill ordered printed.

By Self:—"Mr. Speaker:—Your Committee on Judiciary to whom was referred Senate Bill No. 11, introduced by Mabon, entitled an act prohibiting unlawful carrying of concealed weapons, to provide penalties for violations of this act and to define the meaning of the term "concealed weapons", beg leave to say that we have had said bill under consideration, and report same back to the House with recommendation that the same be concurred in." Bill placed on General Orders.

By Self:—"Mr. Speaker:—Your Committee on Judiciary to whom was

referred Senate Bill No. 24, introduced by Maddox, entitled an act to amend section 1897, Part 2, Title 14, Chapter 7, of the Code of Civil Procedure of the State of Montana, relating to the extension of time within which an act is to be done, beg leave to say that we have had said bill under consideration, and report same back to the House with the recommendation that same be concurred in." Bill placed on General Orders.

By Self:—"Mr. Speaker:—Your Committee on Judiciary to whom was referred House Bill No. 139, introduced by Tolman, entitled an act to amend section 3866, Article 3, Chapter 2, Title 14, Part 4, of the Civil Code of Procedure of Montana, relating to renewal of mortgages of personal property, beg leave to say that we have had said bill under consideration, and report the same back to the House with the recommendation that it be referred to the Printing Committee and then placed on General Orders." On motion of Tolman, report adopted and bill ordered printed.

By Self:—"Mr. Speaker:—Your Committee on Judiciary to whom was referred House Bill No. 90, introduced by Hefferlin, entitled an act giving landlords a lien upon crops grown upon the demised premises for the rent of such premises, beg leave to say that we have had said bill under consideration and report same back to the House with the recommendation that it be referred to the Printing Committee, and then placed on General Orders. On motion of Hefferlin report adopted and bill ordered printed.

By Self:—"Mr. Speaker: Your Committee on Judiciary to whom was referred House Bill No. 25, introduced by McCone, entitled an act to amend section 4653, Part 4, Title 2, Chapter 5, of the Political Code of Montana, relative to the payment of witnesses in courts not of record in criminal actions and on coroner's inquests, beg leave to say that we have had said bill under consideration and report the same back to the House with the recommendation that it do pass." Bill ordered printed.

By Self:—"Mr. Speaker:—Your Committee on Judiciary to whom was referred House Bill No. 191, (by whom it was introduced your committee does not know) entitled an act relating to actions against cities and towns for damages to persons injured on streets and other public grounds by reason of the negligence of any public officer, agent or employee of any city or town in Montana, beg leave to say that we have had said bill under consideration, and report same back to the House with the recommendation that the further consideration thereof be indefinitely postponed." On motion of Wilson of Cascade, report was adopted, and bill indefinitely postponed.

By Buchanan:—"Mr. Speaker:—Your Committee on Printing begs leave to report House Bills Nos. 97, 159 and 81 as having been returned printed."

Graham, by leave, introduced the following:—

"Mr. Speaker:—I move that the committee on Townships & Counties be requested to report on H. B. No. 149 at 11.10 A. M. to-day." Carried.

Miller moved to take a recess until 2 o'clock—Lost.

Brownlee made the following report:—

"Mr. Speaker:—Your Committee on Townships & Counties to whom was referred House Bill No. 149, a bill for an act to create Paradise County, to define its boundaries, to provide for its organization and government, and to alter the boundaries of Missoula County to conform thereto, having had same under consideration, beg leave to report back to the House without recommendation."

Self moved that the bill be ordered printed.

Dwight moved, as an amendment, that the bill be indefinitely postponed—Carried.

Pelleiter moved to reconsider the vote by which House Bill No. 149 was indefinitely postponed. Conner moved to lay the motion to reconsider, on the table—Carried.

On motion of Miller, at 11.25 A. M. the House took a recess until 2.30 o'clock P. M.

AFTERNOON SESSION.

House re-assembled at 2.30 o'clock P. M.

Mr. Speaker in the chair.

Roll called--Quorum present.

REPORTS OF STANDING COMMITTEES (Continued).

By Self:--"Mr. Speaker:--Your Committee on Judiciary beg leave to say that two bills, one of J. H. MacDougall and the other of C. H. Sholes, each of them demanding payment from the state of Montana for \$292.05, was delivered to your Committee to be placed in proper channel for payment. Your committee is of the opinion that the State of Montana is in no wise indebted to either the said MacDougall or Sholes in any sum whatever. It will appear from the evidence heretofore submitted in your committee's report on the impeachment proceedings against E. W. Harney, that the said MacDougall and Sholes were employed by other parties and not by the state of Montana. A portion of said evidence is as follows:--"Mr. Forbis: Mr. Chairman. I want to ask you with reference to the stenographers making copies, how many copies the committee will desire of the testimony that is being heard." "We have a stenographer, Mr. MacDougall, and Mr. Sholes is representing the other parties." I don't know whether they are working together, or not, but they probably will, and we would like to know how many copies of the testimony are required by the committee to be furnished."

Mr. Everett: "I would like to ask the witness, MacDougall, a few questions. You state that your occupation is stenographer and court reporter?" A. "Yes sir."

Mr. Everett:--"For whom are you working at the present time?" A. "At the present time for the Amalgamated Company; that is I am employed by them off and on." "I am employed by Mr. Sholes, I believe--I do not know by whom I am employed to report this case." "I was told to come over and report, and that is all I know about it. But I will admit that usually I do a great deal of work for the Amalgamated Co. and have done for years. I would like to state, if the committee will permit, that my unwillingness to testify arises from the fact that I have, and have had for years a very warm friendship for Judge Harney. He has been one of my close personal friends."

Your Committee reports the same to the House with the recommendation that both of said claims be referred to the Committee on Appropriations, for further investigation; which bills are hereto attached and made a part of this report." Report adopted and referred to Committee on Appropriations.

By Self:--Mr. Speaker:--Your Committee on Judiciary to whom was referred House Bill No. 134, introduced by Swindlehurst, entitled, an act to repeal section 1313, Part 2, Chapter 3, of the Code of Civil Procedure of the State of Montana, and to provide for the recovery of the value of improvements which have been placed on real estate by persons in possession thereof, and holding the same in good faith and under cover of title, beg leave to say that we have had said bill under consideration and report same back to the House with the recommendation that the further consideration thereof be indefinitely postponed." On motion of Stapleton report adopted and bill indefinitely postponed.

By Self:--"Mr. Speaker:--Your Committee on Judiciary to whom was referred House Bill No. 66 introduced by Lanstrum, entitled an act to amend section 1511 of the Political Code of the State of Montana, by providing qualifications for the members of the State Board of Education, beg leave to say that we have had said bill under consideration and report same back to the House with the recommendation that further consideration thereof be indefinitely postponed, for the reason that your committee is of the opinion that said bill is unconstitutional."

On motion of Dwight, report adopted and bill indefinitely postponed.

By Graham:--"Mr. Speaker:--Your Labor Committee to whom was referred House Bill No. 148, introduced by Pearson, entitled an act to secure

the employees the payment of their wages in lawful money of the United States, prohibiting the assignment of their wages to their employees and prohibiting payment of their wages except as provided in this act, and prescribing a penalty for the violation thereof, beg leave to report that they have had the same under consideration, and report the same back with the recommendation that it be indefinitely postponed."

On motion of Conner, report adopted and bill indefinitely postponed.

By Self:—"Mr. Speaker:—Your Committee on Judiciary to whom was referred House Bill No. 85, introduced by Benson, entitled an act regulating and prescribing the conditions upon which foreign corporations may do business in this state and to repeal Senate Bill No. 46, approved March 9th, 1901, beg leave to say that we have had said bill under consideration, and report same back to the House with the recommendation that the further consideration thereof be indefinitely postponed."

On motion of Stapleton, report adopted and bill indefinitely postponed.

By Self:—"Mr. Speaker:—Your Committee on Judiciary to whom was referred House Bill No. 187, introduced by Mullins, entitled an act enlarging the powers of the Board of Managers of the Soldiers Home, admitting disabled miners to the benefits and privileges thereof, and making appropriation therefor, beg leave to say that we have had said bill under consideration and report the same back to the House with the recommendation that it be referred to the Committee on Appropriations.

On motion of Story, report adopted and bill referred to Committee on Appropriations.

By Self:—"Mr. Speaker:—A majority of your committee on Judiciary, to whom was referred House Joint Resolution No. 1, introduced by Hilger, providing for a convention for the purpose of submitting to the states for ratification an amendment to the Federal constitution, providing for the election of United States Senator by direct vote, beg leave to say that we have had said resolution under consideration and report same back to the House with the recommendation that it do pass."

House Joint Resolution No. 1 ordered printed.

By Lanstrum:—"Mr. Speaker:—Your Committee on Ways and Means to which was referred House Bill No. 179, a bill for an act to amend section 3701 of the Political Code, relating to taxation, respectfully report same back to the House with the accompanying substitute, and recommend that substitute do pass."

On motion of Webb, report adopted and Substitute Bill ordered printed.

Mr. Speaker announced that he was about to sign Senate Bills Nos. 3 and 4.

By Pearson:—"Mr. Speaker:—We your Committee on State Institutions Public Buildings and Grounds, having had under consideration House Bill No. 115, a bill for an act to amend sections 2471 and 2479 of the Political Code, relating to the State Orphans' Home, and adding thereto sections 2498, 2499 and 2500, relating to the duties of County Superintendents of Schools, the admission of children to the State Orphans Home, their discharge therefrom, and the commitment of incorrigible children to the State Reform School, begs leave to submit a substitute in lieu of the original bill and recommend that said substitute do pass."

On motion of Dwight, report adopted and substitute ordered printed.

By Pearson:—"Mr. Speaker. Your Committee on State Institutions Public Buildings and Grounds having had under consideration House Bill No. 196, a bill for an act entitled an act appropriating money for purchasing and placing metallic fixtures and shelving for the Historical and Miscellaneous Department of the State Library, begs leave to report the same back to the House with the recommendation that it do pass."

Bill ordered printed.

By King:—"Mr. Speaker:—Your Committee on Mining, to whom was referred House Bill No. 153, report that they have had same under consideration, and report same back to the House with the recommendation that it be indefinitely postponed."

On motion of Conner, report adopted and bill indefinitely postponed.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:—

By Lynch:—H. B. No. 246. An act compelling city councils and other municipal governing bodies of the cities and towns of the State of Montana, to annually fix the rates to be charged the public within their jurisdiction, for gas, water, electric light, electric power, and for telephone and street car fares, and fixing penalties for any over-charge of such fixed rates.

By Lynch:—H. B. No. 247. An act to prevent certain persons from practicing law before any Police Magistrate or Justice of the Peace court in the State of Montana.

By Lynch:—H. B. No. 248. An act providing for the filing with the City Clerks of all cities and towns in Montana a sworn statement once a year by all owners or operators of all public utilities doing business therein, showing the total itemized investment, total income with the sources thereof.

By Committee on Appropriations:—H. B. No. 249. A bill for an act appropriating money for the payment of claims of certain persons and corporations account services rendered and supplies furnished to and expenses incurred by the State Veterinarian.

Also, H. B. No. 250. An act appropriating money for the payment of the claim of the Independent Publishing Company, account services rendered the Historical Library.

Also, H. B. No. 251. An act appropriating money for the payment of the claim of the Independent Publishing Company, account services rendered the Clerk of the Supreme Court.

Also, H. B. No. 252. An act appropriating money for the payment of the claims of certain persons for services rendered and supplies furnished state Board of Horticulture.

By Lanstrum:—H. B. No. 253. An act to amend section 603 of the Political Code of the State of Montana, relating to the refusal to grant certificates to practice medicine and surgery, by the State Board of Medical Examiners.

By Gangner:—H. B. No. 254. An act to provide for the payment of employees semi-monthly by corporations and other employers of labor in cities having a population of 5000 and over and withing a radius of three miles thereof, and providing a penalty for the violation thereof.

By Wood:—H. B. No. 255. An act to define the term "fellow-servant" and "vice-principal" in relation to employment in the occupation of rail-roading within this state, to legally determine what persons are fellow-servants and what persons are vice-principals as respects employees of railway corporations doing business within this state.

By Faust:—H. J. M. No. 7. Praying for the opening of a part of the Flathead Indian Reservation and the appointment of an Indian Commission.

By MacGinniss:—H. B. No. 256. A bill for an act to regulate primary elections.

By Williams:—H. B. No. 257. A bill for an act providing for the election of but one person to perform the duties pertaining to the offices of sheriff and assessor in certain counties, providing for the vote of the taxpayers of the county in relation thereto, fixing the compensation of officer and providing for his under-sheriff and deputies.

By Lienemann:—H. B. No. 258. A bill for an act making appropriation for the State Bureau of Child and Animal Protection for the years 1903 and 1904.

By King:—H. B. No. 259. A bill for an act to establish a law uniform with the laws of other states relating to negotiable instruments.

NOTICES & RESOLUTIONS.

By Tooley:—"Mr. Speaker:—I move that the vote of yesterday on House Bill No. 8 be reconsidered." A division was called for—Ayes 35, Nays, 26—Carried.

The question recurring upon the passage of the bill, the roll was called with the following result:—

Ayes:—Axtell, Bray of Rosebud, Beaudry, Brownlee, Cannon, Conner, Dempster, Downey, Duggan, Farmer, Gangner, Giltinan, Hefferlin, Hilger, Hilman, King, Lancaster, Lanstrum, Lienemann, Lynch, Miller, Morrissey, Mullins, MacDonald, MacGinniss, Noble, O'Keefe, Pearson, Rice, Self, Schwend, Shannon, Stapleton, Swindlehurst, Sykes, Williams, Wilson of Lewis and Clarke, Woodworth—38.

Nays:—Allen, Arthur, Bray of Lewis and Clarke, Benson, Bever, Buchanan, Burt, Everett, Faust, Flaherty, Graham, Harrison, Lehsou, Linderman, Martin, Miles, Owen, Pelletier, Sales, Stadler, Story, Teal, Tooley, Vagg, Webb, Wilson of Cascade, Wood, Word and Mr. Speaker—29.

Bill was declared lost.

Miller moved that the vote by which House Bill No. 198 was indefinitely postponed, be reconsidered, upon which a division was called for—Ayes, 30, Nays, 22—Carried.

The question recurring upon the report of the Committee recommending to indefinitely postpone the bill, Miller moved that the recommendation of the committee be amended to order the bill printed, upon which a division was called for—Ayes, 27, Nays, 28—Lost.

The report of the Committee was adopted and the bill indefinitely postponed.

Tooley, from Committee on Enrollment, reported as follows:—

"Mr. Speaker:—Your Committee on Enrollment beg leave to report that House Bill No. 31 was delivered to his Excellency, the Governor, at 3 o'clock P. M., Feb. 11, 1903."

Giltinan moved to reconsider the vote by which House Bill No. 108 was passed.

Stapleton moved, seconded by Lanstrum, that the motion be laid on the table—Carried.

Stapleton introduced House Resolution No. 2, relating to mine signals—Laid over until to-morrow.

READING OF SENATE BILLS.

S. B. No. 40, read first and second times, and referred to Committee on Ways & Means.

S. B. No. 46, read first and second times, and referred to Committee on Judiciary.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 246, read first and second times, and referred to Committee on Corporations other than Municipal.

H. B. No. 247, read first and second times, and referred to Judiciary Committee.

H. B. No. 248, read first and second times, and referred to Committee on Corporations other than Municipal.

H. B. No. 249, read first and second times, and referred to Committee on State Boards and Officers.

H. B. No. 250, read first and second times, and referred to Committee on State Boards and Officers.

H. B. No. 251, read first and second times, and referred to Committee on State Boards and Officers.

H. B. No. 252, read first and second times, and referred to Committee on State Boards and Officers.

H. B. No. 253, read first and second times, and referred to Committee on State Boards and Officers.

H. B. No. 254, read first and second times, and referred to Committee on Corporations other than Municipal.

H. B. No. 255, read first and second times, and referred to Committee on Townships and Counties.

H. B. No. 256, read first and second times, and referred to Committee on Townships and Counties.

H. B. No. 257, read first and second times, and referred to Committee on Townships and Counties.

H. B. No. 258, read first and second times, and referred to Committee on Appropriations.

H. B. No. 259, read first and second times, by title only, and referred to Committee on Federal Relations.

H. J. M. No. 7, read first and second times, and referred to Committee on Federal Relations.

MESSAGES FROM THE SENATE.

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that House Bills Nos. 36, 75, 29, and Substitute House Bill No. 10, were this day read third time and concurred in, and are herewith returned. Also, that H. J. M. No. 2, as amended, was read third time and concurred in, and is herewith transmitted for your concurrence as amended.

Also, that House Bill No. 22 was indefinitely postponed, and is herewith returned.

X. K. STOUT, Secretary."

Stapleton moved that the rules be suspended, and motions and resolutions be declared the order of business—Carried.

Stapleton offered the following motion:—

"Mr. Speaker:—House Bill No. 31 has been amended by the Senate, evidently under a misapprehension, enrolled by our House Enrolling Committee, and is now in the hands of His Excellency, the Governor.

The effect of Senate amendments is simply to re-enact the present law, and it has been decided by a state court that the present law is practically a nullity.

Therefore I move that this House request His Excellency, the Governor, to return Bill to the House for further consideration." Motion Carried.

House Bills Nos. 36, 75, 29 and Substitute House Bill No. 10 ordered enrolled.

On motion of Tolman, seconded by Miller, Senate amendments to House Joint Memorial No. 2 were concurred in.

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that notice of introduction of bill was given as follows:—

By Yegen:—A bill for an act entitled an act providing for the submission to the qualified electors of the State of Montana, for their approval or rejection, an amendment to section 2, of Article 13, of the constitution of the State of Montana, relative to public indebtedness, to read as follows:—"No. debt or liability shall be created which shall singly or in the aggregate with any existing debt or liability exceed the sum of two millions (\$2,000,000) Dollars, the rate of interest not to exceed three and one-half per cent per annum for the purpose of refunding all bonded indebtedness of the state institutions at a low rate of interest, and to repeal all of section 2 in conflict therewith.

Also, that the following bills were introduced and read first and second times:

S. B. No. 74, by Whipple. A bill for an act entitled an act authorizing the State Auditor to arrange and file in numerical and alphabetical order all vouchers and state papers in his office for the years prior to 1900, specifying the time therefor and the compensation therefor.

S. B. No. 75, by Murray. An act entitled an act to regulate the appropriation of water in streams, in which the rights thereof have been adjudicated.

S. B. No. 76, by Albright. A bill for an act to amend section 1054 of the Criminal Code of the State of Montana, relating to malicious mischief, by adding to said section another sub-division to be known as 7.

X. K. STOUT, Secretary."

The following communication was received from the Governor:—

"To the Speaker of the House of Representatives, House of Representatives, Helena, Montana:—Sir:—I am this day in receipt of the following resolution, adopted by the House of Representatives on January 19th, 1903:

Resolved, that His Excellency, Governor Toole, be and he is hereby requested to transmit to this body for its information, any and all reports of the State Arid Land Commission, up to and including December 31, 1902.

Replying to the same, I have the honor to transmit herewith all reports called for in the resolution, and such additional information as I have in my possession, touching the same.

J. K. TOOLE, Governor."

The communication and accompanying documents referred to the Committee on State Lands.

GENERAL ORDERS.

House resolved itself into Committee of the Whole.

Swindlehurst in the chair.

House resumed.

Mr. Speaker in the chair.

Swindlehurst from Committee of the Whole, reported as follows:—

"Mr. Speaker:—Your Committee of the Whole, having had under consideration Senate Bill No. 18, Substitute for House Bill No. 135 and House Bill No. 141, beg leave to report as follows:

1st. That we have considered Senate Bill No. 18 and recommend that it be concurred in.

2nd. That we have considered Substitute for House Bill No. 135, and recommend that it be amended, and as amended, that it do pass.

3rd. That we have considered House Bill No. 141, and recommend that it do pass."

Report Adopted.

Substitute for House Bill No. 135 and House Bill No. 141, ordered engrossed.

Lynch moved that when the House adjourn, it adjourns to meet at 10 o'clock to-morrow—Carried.

House resolved itself into Committee of the Whole.

Swindlehurst in the chair.

House resumed.

Mr. Speaker in the chair.

Swindlehurst, from Committee of the Whole, reported as follows:—

"Mr. Speaker:—Your Committee of the Whole, having had under consideration House Bills Nos. 128 and 129 and Senate Bill No. 2, beg leave to report as follows:

1st. That we have considered House Bill No. 128 and recommend that it do pass.

2nd. That we have considered House Bill No. 129, and recommend that it do pass.

3rd. That we have considered Senate Bill No. 2, and recommend that it be concurred in." Report Adopted.

House Bills Nos. 128 and 129 ordered engrossed.

Senate Bill No. 2 placed on third reading.

On motion of Tolman, at 5.45 P. M., the House adjourned.

B. F. WHITE,
Speaker.

NATHAN GODFREY,
Chief Clerk.

THIRTY-NINTH DAY

Thursday, February 12th, 1903.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called, all members present.

Prayer by the Chaplain.

The Journal of yesterday read and approved.

COMMUNICATIONS & PETITIONS.

Petitions were received from various labor unions praying for adoption of the Initiative and Referendum. Referred to Committee on Judiciary.

NOTICES OF BILLS.

The following notices were given:—

By Word:—A bill for an act to amend section 4074 of the Political Code of the State of Montana, relating to licenses for express companies.

By Faust:—A bill for an act prohibiting hunting on enclosed premises and to provide a penalty therefor.

By Faust:—A bill entitled an act to license Sleeping, Chair, Drawing-room and Parlor cars, and to regulate the operation thereof in the state.

By Everett:—A bill to create the county of Bear Paw.

By Rice:—A bill for an act to set apart one day in the schools of Montana for the study of Pioneer History, to be known as Pioneer Day.

REPORTS OF STANDING COMMITTEES.

The following reports were made:—

By Wilson of Cascade:—"We your Committee on Engrossment beg leave to report House Joint Memorial No. 5, House Bills Nos. 138, 136, 137, 53, 86, 121, and substitutes for House Bills Nos. 88, 55, 23, 119, as correctly engrossed."

By Miller:—"Your Committee on State Boards and Officers to which was referred House Bill No. 222, an act entitled an act appropriating money for the payment of the claim of W. S. Edwards Manufacturing Company, account completion and equipment Capitol Building, having had same under consideration, report same back to the House with the recommendation that it do pass. Also, House Bill No. 223, an act entitled an act appropriating money for the payment of the claim of John M. Evans, account expenses as member of the State Board of Education, and recommend that it do pass. Also, House Bill No. 224, an act entitled an act appropriating money for the payment of the claims of certain persons for services rendered to the State Game & Fish Warden, and recommend that it do pass. Also, House Bill No. 225, and act entitled, an act appropriating money for the payment of the claim of A. F. Longeway, account services as member of State Board of Health, and recommend that it do pass. Also, House Bill No. 226, an act entitled, an act appropriating money for the payment of the claim of Bernard Shenahan, account court costs, and recommend that it do pass. Also, House Bill No. 227, an act entitled an act appropriating money for the payment of claims of certain persons for services rendered and supplies furnished to the State Orphans Home, and recommend that it do pass."

House Bills Nos. 222, 223, 224, 225, 226 and 227 ordered printed.

By Buchanan:—"Your Committee on Printing begs leave to report House Bills Nos. 161, 195, 156, 189, 186, 87, H. J. M. No. 6, and House Bills Nos. 231, 232 and 118, as having been returned correctly printed."

By Bray of Lewis and Clarke:—"Your Committee on Improvements and Manufacturing having had under consideration House Bill No. 162, a bill for an act to regulate the superintendence and inspection of brick work, mason work, and concrete work within the state of Montana, and to provide penalties for a violation of its provisions and to provide for the enforcement thereof, report the same back to the House with the recommendation that it do pass, and recommend the accompanying substitute for passage."

On motion of Sales, report adopted, and substitute bill ordered printed.

By Sales:—"Your Committee on Agriculture and Horticulture to whom was referred House Bill No. 113, a bill for an act to amend sections 1, 2, 7, 8, 9, 15 and 19 of an act entitled an act to create the Montana State Board of Horticulture, to prescribe its duties and powers and to appropriate money therefor, approved February 17th, 1899, and as amended by the act of March 14, 1901, and to add to said act certain new sections to be designated as sections 21 to 28 inclusive, would recommend the following amendments; that section 7 be amended to read as follows: "Section 7, that section of said act, as the same is now in force after amendment by the act of March 14, 1901, be amended so as to read as follows:—Section 19. There is hereby appropriated for the use of the State Board

of Horticulture as set forth in this act out of the moneys in the State Treasury not otherwise appropriated, the sum of five thousand dollars, or so much thereof as may be necessary for the year commencing December 1st, 1902; Five Thousand Dollars, or so much thereof as may be necessary, for the year commencing December 1st, 1903. Also, that section 23 be amended to read as follows: By striking out the words "or less" after "Year" and that there be inserted instead thereof "provided, however, that such license may be revoked at any time for any violation of this act."

With these amendments we recommend that it do pass."

On motion of Bray of Lewis and Clarke, report adopted, and bill ordered printed.

By Swindlehurst:—Your committee on Insurance to whom was referred Senate Bill No. 13, entitled an act to amend section 801, Chapter 1, Title 13, Part 1, of the Penal Code of Montana, relating to arson, beg leave to report that we have considered the same and recommend that it do pass."

Bill placed on General Orders.

By MacDonald: "Your Committee on Fish and Game to whom was referred Senate Bill No. 30, entitled a bill for an act entitled an act to provide further protection of birds, fish, fur bearing animals and game, by regulating and restricting the same out of the state, by providing for licenses guides, and requiring taxidermists to secure a license to conduct business, and to provide penalties for violations of this act, beg leave to report that we have had the same under consideration and recommend that it be concurred in."

Bill placed on General Orders.

By Bever:—"Your Committee on Affairs of Cities, having had under consideration House Bill No. 177, an act giving authority to the city or town council of any city or town to issue upon the credit of said city or town coupon bonds, under conditions, begs leave to report same back to the House with recommendation that it do pass."

Bill ordered printed.

By Miller:—"Your Committee on State Boards and Officers, to which was referred House Bill No. 183, a bill for an act entitled an act to appoint the entomologist of the Experimental Station, State Entomologist, and to appropriate money to pay his travelling expenses, having had same under consideration report same back to the House and recommend that it be indefinitely postponed."

On motion of Conner, report adopted and bill indefinitely postponed.

By Miller:—"Your committee on State Boards and Officers to which was referred House Bill No. 76, a bill for an act providing for the investment of moneys in the Normal School Bond Fund, and authorizing the state Board of Land Commissioners to purchase and redeem outstanding bonds against said funds, having had same under consideration, report same back to the House with the recommendation that it do pass."

Bill ordered printed.

By Miller:—"Your committee on State Boards and Officers to which was referred House Bill No. 6, for the third time, has considered the same, and report it back with the recommendation that as printed it be placed on General Orders for passage."

Morrissey made the following minority report:—"I recommend that the State Board of Equalization be omitted from the consolidation of state boards, and that the present salary of the clerk of Board of Equalization be maintained. The clerk of the Board of Equalization, by his ability and industry, has proven a valuable aid to the Board and a valuable employee of the State, as he has been instrumental in unearthing, for the purpose of taxation, nearly two hundred thousand dollars of property in two counties which had heretofore escaped taxation. I believe consolidation would impair the efficiency of the Board of Equalization and be injurious to the best interests of the state."

Bill placed on General Orders.

By Miller:—"Your committee on State Boards and Officers to which was referred House Bill No. 207, an act entitled an act appropriating money for the payment of claims of certain persons for services rendered and supplies furnished the Historical Library, have had same under consideration and recommend that it do pass."

Also, House Bill No. 208, an act entitled an act appropriating money for the payment of claims of certain persons for services rendered and supplies furnished in maintenance of the Capitol Building, recommend that same do pass.

Also, House Bill No. 209, an act entitled an act appropriating money for the payment of claims of certain persons for services rendered and supplies furnished the State School of Mines, and recommend that it do pass.

Also, House Bill No. 210, an act entitled an act appropriating money for the payment of claims of certain persons for supplies furnished the state Furnishing Board, and recommend that it do pass.

Also, H. B. No. 211. An act entitled an act appropriating money for the payment of the claims of Lewis and Clarke County, account rent and janitor service state offices, and recommend that it do pass.

Also, House Bill No. 212, an act entitled an act appropriating money for the payment of the claim of the State Publishing Company, account public printing, and recommend that it do pass.

Also, House Bill No. 213, an act entitled an act appropriating money for the payment of certain persons for services rendered and supplies furnished to Attorney General's office, and recommend that it do pass.

Also, House Bill No. 214, an act entitled an act appropriating money for the payment of claims of certain persons for services rendered and supplies furnished the Superintendent of Public Instruction, and recommend that it do pass.

Also, House Bill No. 215, an act entitled an act appropriating money for the payment of claims of certain persons for services rendered to the office of Secretary of State, and recommend that it do pass.

Also, House Bill No. 216, an act entitled an act appropriating money for the payment of the claim of the Western Union Telegraph Co., account services rendered the State Board of Examiners, and recommend that it do pass.

Also, House Bill No. 217, an act entitled an act appropriating money for the payment of the claim of A. C. Schneider, account transcribing proceedings in the Supreme Court, and recommend that it do pass.

Also, House Bill No. 218, an act entitled an act appropriating money for the payment of claims of certain persons, account maintenance of National Guard, and recommend that it do pass.

Also, House Bill No. 219, an act entitled an act appropriating money for the payment of the claim of E. J. Groeneveld, account travelling expenses Board of Charities and Reform, and recommend that it do pass.

Also, House Bill No. 220, an act entitled an act appropriating money for the payment of claims of certain persons for services rendered and supplies furnished to the State Reform School, and recommend that it do pass.

Also, House Bill No. 221, an act entitled an act appropriating money for the payment of claims of certain persons for services rendered and supplies furnished the Clerk of the Supreme Court, and recommend that it do pass."

Foregoing bills ordered printed.

By Self:—"Your Committee on Judiciary to whom was referred House Bill No. 74. introduced by Hilman, entitled, an act enlarging the powers of the Board of Managers of the Montana Soldiers Home, admitting the wives of inmates who were married at the time the home was established, to the privileges of the home, according to such rules as the Board may prescribe, and appropriating money for the erection of a House for their accommodation, beg leave to say that we have had said bill under consideration and report back a substitute therefor with the recommendation that said substitute do pass."

On motion of Conner, report adopted and bill ordered printed.

Also, "Your Committee on Judiciary to whom was referred House Bill No. 7, introduced by Miller, entitled an act providing for appeals from decision of County Boards of Equalization upon the valuation placed upon property for taxation purposes, and prescribing the procedure in such appeals, beg leave to say that we have had said bill under consideration and report back to the House a substitute for said bill, and recommend that said substitute do pass."

On motion of Harrison, substitute bill ordered printed, and report adopted.

By Bever:—"Your Committee on Affairs of cities having had under consideration House Bill No. 117, a bill for an act to amend section 5039 of the Political Code of Montana, relating to the establishment and maintenance of free public libraries, beg leave to report the same back to the House with the recommendation that it do pass."

Bill ordered printed.

By Bever:—"Your Committee on Affairs of Cities, having had under consideration House Bill No. 144, a bill for an act to amend section 4753, of the Political Code of the State of Montana, relating to the qualifications of aldermen, beg leave to report same back to the House with the recommendation that it do pass."

Bill ordered printed.

By McCone:—"Your committee on Live Stock and Public Ranges, to whom was referred Senate Bill No. 16, a bill for an act to prohibit and adequately punish the wilful and malicious destruction of fences, respectfully report same back to the House with the recommendation that it be concurred in."

Bill placed on General Orders.

Also, "Your committee on Live Stock and Public Ranges, having had under consideration Senate Bill No. 7, relating to sheep inspectors and their duties, recommend that said bill amended so as to add the following words to section 2: "And all claims for services against the Sheep Inspector Indemnity Fund shall be audited and approved by the President and Secretary of the State Board of Sheep Commissioners"; and as so amended, that the bill be concurred in.

Bill placed on General Orders.

Also, "Your Committee on Live Stock and Public Ranges to whom House Bill No. 240 was referred, a bill for an act approving claims Nos. 27483 and 24501, and providing for the payment thereof, respectfully report same back to the House with the recommendation that it do pass."

Bill ordered printed.

Also, "Your Committee on Live Stock and Public Ranges, beg leave to report as follows:--Your committee having had under consideration House Bill No. 32, a bill for an act to amend section 688, Title 10 of Part 1, of the Penal Code of the State of Montana, recommend that it do pass with the following amendments:--By inserting the words "over sixteen feet in length" in line 4, after the word "bridges" and before the word "Or", and by striking out the words "and every person who drives any sheep or goats in a greater number than three hundred head at one time" and by striking out the word "fifty" and inserting the word "ten" in line seven, after the word "than" and before the word "dollars", and by striking out the words "five hundred" in line 8, after the word "than" and before the word "dollars" and by inserting the word "by" in line 9 after the word "or" and before the word "both", and by inserting the words "such fine or imprisonment at the discretion of the court" after the word "both".

On motion of Faust report adopted and bill ordered printed.

Also, "your committee on Live Stock & Public Ranges, having had under consideration House Bills Nos. 100 and 116, a bill for an act to amend sections 3070, 3071, 3072, 3073, and 3076 of the Political Code of the State of Montana, relating to bounties on wild animals, beg leave to report that we herewith submit a substitute for said bills, and we recommend that said substitute do pass and be referred to the Printing Committee and placed on General Orders.

On motion of Hilger, report was adopted and substitute bill ordered printed.

By Buchanan:—"Your committee on Printing begs leave to report that it is in need of the services of an additional clerk, and having selected Dora D. Mills for the position, respectfully ask that the House concur in the appointment."

Report referred to Special Committee on Clerks.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:—

By Committee on Labor, by leave:—H. B. No. 260. A bill for an act to prohibit payment of bills for printing or binding done outside of this state and providing a penalty for the violation thereof.

By Dwight:—H. B. No. 261. A bill for an act to amend section 2 of an act of the Sixth Legislative Assembly of Montana, entitled an act to provide for an assistant for the Register of the State Land Office, to fix the salary thereof and designate the fund from which he shall be paid, approved Feb. 24, 1899.

By Committee on Insurance:—H. B. No. 262. A bill for an act to amend sections 4 and 8 of an act of provide for the licensing of insurance companies, associations and societies doing business in the State of Montana, approved March 4th, 1897.

By Stapleton, by leave:—H. B. No. 263. A bill for an act to prevent wrongs to children and dumb animals and to establish a bureau of Child and Animal Protection.

By Allen, by leave:—H. B. No. 264. A bill for an act to amend section 1040 of the Political Code of the State of Montana, relating to the salaries of the officers, pending the contest of title to office.

By Committee on Mines:—H. B. No. 265. A bill for an act to further protect under-ground miners.

By Dempster: By request. An act to prohibit the advertising to procure divorces.

By Benson:—H. B. No. 267. A bill for an act entitled an act providing for the allowance of an attorney's fee as a part of the costs in civil actions for the recovery of money due or to enforce the performance of a contract or contracts.

By Wilson of Lewis and Clarke, by leave:—H. B. No. 268. A bill for an act to repeal sub-division 6, Section 2185, Title 2 of the Civil Code of the State of Montana, relating to manner of creating contracts.

By Bever, by leave:—H. B. No. 269. A bill for an act to amend sections 1354, 1360, 1368 and 1370 of the Political Code, relating to elections.

By Graham, by leave:—H. B. No. 270. A bill for the establishment of a Board of Architectural Examiners and providing certain requirements and qualifications for the practice of architecture in the State of Montana.

MOTIONS AND RESOLUTIONS.

Allen offered the following, by leave:—

Resolved that as this is the birthday of our martyred president, Abraham Lincoln, that we, the Eighth Legislative Assembly of the State of Montana, take suitable recognition of this day, and in commemoration thereof, cause this resolution to be entered upon our Journal." Adopted.

Miller offered the following:—

"I move that a committee of three be appointed by the chair whose duty it shall be to examine the Journal of each day's proceedings and report to the House thereon for its action, and the reading of the Journal at the opening of each session be dispensed with after such committee has been appointed." Adopted.

READING OF SENATE AND HOUSE BILLS.

The following bills were taken from the file:—

H. J. M. No. 2, read and referred to Committee on Federal Relations.

S. B. No. 41, read first and second times, and referred to Committee on State Institutions, Public Buildings and Grounds.

H. B. No. 260, read first and second times, and referred to Committee on State Boards and Officers.

H. B. No. 261, read first and second times, and referred to Committee on State Lands.

H. B. No. 262, read first and second times, and referred to Committee on Ways & Means.

H. B. No. 263, read first and second times, and referred to Committee on State Boards and Officers.

Mr. Speaker announced that Mr. Giltinan wished to be relieved from service of Special Committee to visit state institutions, and would appoint Bart to fill the vacancy.

H. B. No. 264, read first and second times, and referred to Committee on Judiciary.

H. B. No. 265, read first and second times, and referred to Committee on Judiciary.

H. B. No. 266, read first and second times, and referred to Committee on Judiciary.

H. B. No. 267, read first and second times, and referred to Committee on Judiciary.

H. B. No. 268, read first and second times, and referred to Committee on Judiciary.

H. B. No. 269, read first and second times, and referred to Committee on Privileges and Elections.

H. B. No. 270, read first and second times, and referred to Committee on State Boards and Officers.

Williams on special committee to visit state institutions wished to be relieved from service thereon, granted.

Mr. Speaker appointed Harrison of Cascade to fill the vacancy.

Miles, from special committee to visit state institutions, asked leave of absence for said committee until Tuesday morning—Granted.

On motion of Johnson, at 12.05 P. M., the House took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

House re-assembled at 2 o'clock P. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

King made the following report by leave:—

"We your committee to whom was referred the matter of action on a committee clerk for the Printing Committee, beg leave to report that we have had the same under consideration and find as follows: The number of bills introduced into the House is 270; the number of bills which have been ordered printed and returned or now in the hands of the committee, 94; number of bills this day referred to the committee, 35, and these 35 bills have to be returned back to the House within three days. We believe that the service of said extra clerk is necessary and that Dora D. Mills, the clerk selected by the Printing Committee is competent to do the work."

On motion of Hilger, report adopted.

Mr. Speaker announced as follows:—"I beg report that I have appointed as a committee to examine and report on the journal of the House each day, the following:—Faust, of Powell, Vagg, of Valley, and Dempster of Silver Bow."

MESSAGES FROM GOVERNOR & SENATE.

The following was received from the Governor:—

February 12, 1903.

To the Speaker of the House of Representatives, House of Representatives, Helena, Montana. Sir:—I have the honor to return House Bill No. 31, pursuant to a request this day made by the House of Representatives."

J. K. TOOLE, Governor."

Stapleton moved, seconded by Wilson of Cascade, that a conference committee be appointed to confer with a like committee on part of the Senate, with reference to House Bill No. 31—Carried.

Mr. Speaker appointed as such committee, Stapleton, Self and Word.

The following communications were received from the Senate:—

"Mr. Speaker:—I am directed by the Senate to inform your Honorable

body that Senate Bill No. 8 was read third time to-day and passed, and is herewith transmitted for your concurrence."

Bill placed on file.

Also, "I am directed by the Senate to inform your Honorable body that the Senate to-day read third time and passed S. B. Nos. 53 and 57, and S. J. M. No. 3, and same are herewith transmitted for your concurrence. Also that H. J. M. No. 3 was read third time, concurred in and is herewith returned. Also that H. B. No. 61 was indefinitely postponed and is herewith returned.

X. K. STOUT, Secretary."

Senate Bills Nos. 53 and 57 and S. J. M. No. 3 placed on file.

H. J. M. No. 3 ordered enrolled.

Also, "I am directed by the Senate to inform your Honorable body that notices of the introduction of bills were given as follows:—

By Yegen:—A bill for an act to create the Thirteenth Judicial District of the State of Montana, to be composed of the counties of Yellowstone and Rosebud, to provide for the appointment of a judge thereof, and to change the boundaries of the Seventh Judicial District to conform therewith.

By Kennedy:—A bill for an act entitled, an act to determine the liability of railway corporations in this state for damages to their employees and others, in consequence of the negligence of agents, engineers or other employees of such corporations, and to prevent any person or corporation from constructing against any liabilities created by this act."

Also, "I am directed by the Senate to inform your Honorable body that the following bills were introduced and read first and second times:

S. B. No. 77, by Whipple. A bill for an act entitled, an act to provide for the Torren's land title system.

S. B. No. 78, by Biggs. An act providing for the punishment by fine or imprisonment the unlawful or taking down, removal, injuring, interfering with or obstruction of any line or lines erected or maintained for the purpose of transmitting electricity for developing light, heat or power, or any part thereof, or any insulator, or crossarm appurtenance or apparatus connected therewith, or severing or in any way interfering with the wire, or wires, cable or cables, current or currents thereof, or the attempting to do the same, being an act to amend an act entitled "an act to establish a penal code," approved Feb. 19, 1895, by adding a new section thereto to be known as section 1077.

X. K. STOUT, Sec'y."

THIRD READING OF HOUSE BILLS.

House bill No. 121, read third time and passed by the following vote:—

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Buchanan, Downey, Duggan, Everett, Faust, Flaherty, Gangner, Graham, Hefferlin, Hilger, Hilman, Johnson, King, Lanstrum, Lienemann, Lynch, Morrissey, Mullins, McCone, MacDonald, Pelletier, Sales, Self, Shannon, Tolman, Vagg, Webb, Wilson of Cascade, Word and Mr. Speaker—37.

Nays, None.

House Bill No. 86, read third time and passed by the following vote:—

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Brownlee, Buchanan, Downey, Duggan, Faust, Flaherty, Gangner, Giltinan, Graham, Hefferlin, Hilger, Hilman, King, Lienemann, Lynch, Miller, Morrissey, Mullins, MacDonald, O'Keefe, Pelletier, Shannon, Tolman,—29.

Nays:—Hilger, Johnson, McCone, Sales, Self, Stapleton, Vagg, Webb, Wilson of Cascade, Word and Mr. Speaker—11.

Sub. House Bill No. 119, read third time and passed by the following vote:—

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Brownlee, Buchanan, Downey, Duggan, Faust, Giltinan, Graham, Hefferlin, Hilger, Hilman, Johnson, King, Lanstrum, Lienemann, Lynch, Martin, Miller, Morrissey, Mullins, McCone, MacDonald, O'Keefe, Pelletier, Sales, Self, Shannon, Stapleton, Swindlehurst, Sykes,

Tolman, Vagg, Webb, Whiteley, Wilson of Cascade, Word, Mr. Speaker—44.

Nays, Gangner—1.

House Bill No. 53, read third time and passed by the following vote:—

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Brownlee, Buchanan, Downey, Duggan, Faust, Flaherty, Giltinan, Graham, Hefferlin, Hilger, Hilman, Johnson, King, Lanstrum, Lienemann, Lynch, Martin, Miller, Morrissey, Mullins, McCone, MacDonald, MacGinniss, O'Keefe, Rice, Sales, Self, Schwend, Shannon, Stadler, Swindlehurst, Sykes, Teal, Tolman, Vagg, Whiteley, Wilson of Cascade, Word and Mr. Speaker—46.

Nays:—Conner, Gangner, Pelletier, and Webb—4.

House Bill No. 137 read third time and passed by the following vote:—

Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Cannon, Conner, Dempster, Downey, Duggan, Dwight, Faust, Flaherty, Gangner, Giltinan, Graham, Hefferlin, Hilger, Hilman, Johnson, King, Lanstrum, Lienemann, Lynch, Martin, Miller, Morrissey, Mullins, McCone, MacDonald, MacGinniss, O'Keefe, Pelletier, Rice, Sales, Schwend, Shannon, Stadler, Swindlehurst, Sykes, Teal, Tolman, Vagg, Webb, Whiteley, Wilson of Cascade, Wood, Word, Mr. Speaker—53.

Nays:—None.

House Bill No. 138, read third time and passed by the following vote:—

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Cannon, Conner, Dempster, Downey, Duggan, Dwight, Everett, Faust, Flaherty, Giltinan, Graham, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lienemann, Lynch, Martin, Miller, Morrissey, Mullins, MacDonald, MacGinniss, Noble, O'Keefe, Pelletier, Rice, Schwend, Shannon, Stadler, Stapleton, Swindlehurst, Sykes, Teal, Vagg, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Woodworth, and Mr. Speaker:—53.

Nays, None.

Substitute for House Bill No. 23, read third time and passed by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Dempster, Downey, Dwight, Everett, Faust, Flaherty, Gangner, Giltinan, Hefferlin, Hilger, Hilman, Johnson, Lancaster, Lynch, Martin, Miller, Morrissey, Mullins, MacDonald, MacGinniss, Noble, O'Keefe, Pelletier, Rice, Sales, Schwend, Shannon, Stadler, Swindlehurst, Sykes, Teal, Vagg, Webb, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, and Mr. Speaker—49.

Nays, None.

Substitute for House Bill No. 55, read third time and passed by the following vote:—

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Cannon, Conner, Dempster, Downey, Duggan, Dwight, Everett, Faust, Flaherty, Gangner, Giltinan, Hefferlin, Hilger, Hilman, Johnson, Lancaster, Lanstrum, Lienemann, Lynch, Martin, Miller, Morrissey, Mullins, MacGinniss, O'Keefe, Pelletier, Rice, Sales, Schwend, Shannon, Stadler, Swindlehurst, Sykes, Teal, Tolman, Vagg, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, and Mr. Speaker—52.

Nays, None.

Substitute for House Bill No. 88, read third time and passed by the following vote:—

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Bever, Brownlee, Buchanan, Cannon, Conner, Downey, Dwight, Everett, Faust, Flaherty, Gangner, Giltinan, Graham, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lienemann, Lynch, Miller, Morrissey, Mullins, McCone, MacGinniss, O'Keefe, Noble, Pelletier, Rice, Schwend, Stadler, Stapleton, Swindlehurst, Sykes, Teal, Tolman, Vagg, Webb, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word, and Mr. Speaker—53.

Nays, None.

House Bill No. 136, read third time and passed by the following vote:—

Ayes:—Allen, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Brownlee, Buchanan, Cannon, Conner, Dempster, Downey, Dwight, Everett, Faust, Flaherty, Gangner, Giltinan, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lienemann, Lynch, Miller, Morrissey, Mullins, MacDonald, McCone, MacGinniss, Noble, O'Keefe, Pelletier, Rice, Sales, Schwend, Stadler, Stapleton, Sykes, Teal, Tolman, Vagg, Webb, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—52.

Nays, None.

House Joint Memorial No. 5, read third time and passed by the following vote:—

Ayes:—Allen, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Brownlee, Buchanan, Cannon, Conner, Downey, Faust, Flaherty, Gangner, Giltinan, Graham, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lienemann, Lynch, Miller, Morrissey, McCone, MacDonald, Noble, O'Keefe, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Sykes, Teal, Tolman, Vagg, Webb, Whiteley, Wilson of Cascade, Wood, Woodworth, Word and Mr. Speaker—49.

Nays, None.

Senate Bill No. 18, read third time and concurred in by the following vote:—

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Brownlee, Buchanan, Cannon, Conner, Downey, Duggan, Faust, Flaherty, Gangner, Giltinan, Graham, Hefferlin, Hilger, Hilman, Johnson, Lancaster, Lanstrum, Lynch, Miller, Morrissey, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Pelletier, Rice, Sales, Schwend, Shannon, Stadler, Swindlehurst, Sykes, Teal, Tolman, Vagg, Webb, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word, and Mr. Speaker—50.

Nays—Self—1.

Senate Bill No. 2 read third time and concurred in by the following vote:—

Ayes:—Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Conner, Downey, Dwight, Everett, Faust, Flaherty, Graham, Hefferlin, Hilger, Johnson, King, Lancaster, Lanstrum, Lienemann, Lynch, Miller, Mullins, McCone, MacDonald, MacGinniss, Rice, Sales, Self, Stadler, Swindlehurst, Sykes, Teal, Tolman, Vagg, Webb, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—45.

Nays, Axtell, Cannon, Duggan, Gangner, Hilman, Noble, Pelletier, Schwend, Shannon, 9.

GENERAL ORDERS.

House resolved itself into Committee on the Whole.

Lanstrum in the chair.

House resumed.

Mr. Speaker in the chair.

Lanstrum, from Committee of the Whole, reported as follows:—

“Mr. Speaker:—Your committee of the Whole has had under consideration Senate Bill No. 25 and reports it back with the recommendation that it be not concurred in.

Also, that it has had under consideration House Bill No. 101, and reports it back with the recommendation that it do pass.

Also, that it has had under consideration House Bill No. 155, and reports it back with the recommendation that it do pass as amended.” Report adopted.

Sub. House Bill No. 101 and House Bill No. 155 ordered engrossed.

Senate Bill No. 25 not concurred in.

House resolved itself into Committee of the Whole.

Lanstrum in the chair.

House resumed.

Mr. Speaker in the chair.

Lanstrum, from Committee of the Whole, reported as follows:—

“Mr. Speaker:—Your Committee of the Whole has had under considera-

tion substitute for House Bill No. 67, and reports it back with the recommendation that its enacting clause be stricken out.

Also, that it has had under consideration House Bill No. 92, and reports it back with the recommendation that it do pass as amended.

Also, that it has had under consideration substitute for House Bill No. 18, and reports it back with the recommendation that it do pass." Report adopted.

Substitute for House Bill No. 18 and House Bill No. 92 ordered engrossed.

House Bill No. 67, enacting clause stricken out.

On motion of Cannon, at 4.30 P. M., the House adjourned until 10 o'clock A. M. to-morrow.

B. F. WHITE,
Speaker.

NATHAN GODFREY,
Chief Clerk.

FORTIETH DAY

Friday, February 13th, 1903.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called, and all members present except Burt, Farmer, Harrison, Lehsou, Linderman, Miles, excused.

Prayer by the Chaplain.

Faust made the following report:—"Your Committee appointed to examine the Journal each day, beg leave to report that as the same was not completed in time for reporting at this morning's session, we therefore ask that from and after this date, the reporting on said Journal be deferred until the afternoon session of the House on each day following." Report adopted.

COMMUNICATIONS & PETITIONS.

The following communication was received:—

"Hon. B. F. White, Speaker of the House of Representatives, Helena, Montana.

Dear Sir:—Will you kindly extend to the members of the Lower House an invitation to be present at the dedication of our new buildings of the University of Montana, as per enclosed program.

FRANK C. STODDARD, Sec."

NOTICES OF BILLS.

The following notice was given:—

By Bray of Rosebud:—A bill to amend section 1190, of Chapter 2, Title 15, of the Penal Code of the State of Montana, being an act to prevent the use as a brand of any sash or frying pan.

REPORTS OF STANDING COMMITTEES.

By Wilson of Cascade:—"Your Committee on Engrossment to whom was referred Substitute House Bill No. 135, House Bills Nos. 141, 128 and 129, beg leave to report them as correctly engrossed."

By Graham:—"Your Committee on Labor to whom was referred House Bill No. 174, introduced by Pelletier, entitled an act to prohibit the use of deception, misrepresentation, and false advertising in the procuring of employees to work in any department of labor in the state, and fixing penalties, criminal and civil, for the violation thereof, beg leave to report that they have had same under consideration and report same back with the recommendation that same do pass."

Bill ordered printed.

Also, "Your Committee to whom was referred House Bill No. 244, introduced by Committee on Mines and Mining, entitled an act to amend section 705, Title 10, of the Penal Code of the State of Montana, to have the cages in all mines cased in, as amended by House Bill No. 77 of the laws of the Fifth Legislative Assembly, beg leave to report that they have had same under consideration, and report the same back with the recommendation that it do pass.

Bill ordered printed.

By Buchanan:—"Your Committee on Printing begs leave to report House Bill No. 173 as having been returned correctly printed.

By Cannon:—"Your Committee on Railroads and Transportation to whom was referred House Bill No. 229, a bill for an act entitled an act to amend section 3741 of the Political Code of the State of Montana, relating to the equalization of railroad property by the State Board of Equalization, beg leave to report same back to the House, and recommend that it do pass."

Bill ordered printed.

By Faust:—"Your committee on Federal Relations to whom was referred House Joint Memorial No. 7, praying for the opening of a part of the Flathead Indian Reservation, and the appointment of an Indian Commission, beg leave to say that they have had same under consideration, and recommend that same be adopted."

Memorial ordered printed.

By Faust:—"Your committee on Federal Relations to which was referred House Bill No. 259, entitled a bill for an act to establish a law uniform with the laws of other states, relating to negotiable instruments, beg leave to say that they have had the same under consideration and recommend that the same be referred to the Judiciary Committee."

Report adopted, and bill referred to Committee on Judiciary.

By MacDonald:—"Your Committee on Fish and Game beg leave to report having had Senate Bill No. 29 under consideration, and report the same back with amendments, and recommend that the amendments be adopted, and the bill as amended be concurred in. The amendment is as follows:—To insert the word "turtle dove" after the word "quail" in line 18 of Section 1."

On motion of Stapleton, report adopted, and bill placed on General Orders.

By Allen:—"Your Committee on Apportionment and Representation, having had under consideration House Bill No. 201, entitled an act to amend sections 1354, 1360, 1368 and 1370, of the Political Code, relating to elections, beg leave to report same back with recommendation that it do pass as amended."

On motion of Faust, report adopted and bill ordered printed.

By Miller:—"Your Committee on State Boards and Officers to which was referred House Bill No. 263, a bill for an act to prevent wrongs to children and dumb animals and to establish a Bureau of Child and Animal Protection, having had same under consideration, report it back to the House with the recommendation that it do pass."

Bill ordered printed.

By Pearson:—"Your Committee on State Institutions Public Buildings and Grounds, having had under consideration House Bill No. 206, a bill for an act to amend section 4596, of the Political Code of the State of Montana, relating to the compensation allowed deputies and assistants, begs leave to report the same back to the House with the recommendation that it be indefinitely postponed."

On motion of Bray of Lewis and Clarke, report adopted and bill indefinitely postponed.

By Woodworth:—"Your Committee on Highways, having had under consideration House Bill No. 145, would recommend the following amendments:—

Section 9, No. 7, line 58, by cutting out the words "mile stones or posts and".

Amend section 2, Article 3, by adding the following:—"Provided, however, that the provisions of this section shall not extend to incorporated

cities and towns, which by ordinance provide for the levy and collection of a tax not less than one mill or more than three mills for roads, streets and alley purposes. Provided further that the provisions of this section shall apply to all incorporated cities and towns that have no such ordinance."

We recommend that section 29 be stricken out.

Amend section 46 so as to read as follows:—"It shall be the duty of any person finding any obstruction upon any highway of this state to forthwith notify the Road Supervisor of such obstruction."

Amend article 6, section 36, by adding the following:—"At the expiration of his term of office, the Road Supervisor must turn over all such tools, and implements to his successor, or to the County Commissioners."

Amend Article 8, Section 52, so as to read as follows:—"Section 52. The Board of County Commissioners may, by order direct from the County Surveyor to inspect the condition of any highway or bridge in the county, and all work done thereon, before payment therefor."

Amend section 53 so as to read as follows:—"The County Surveyor shall receive for making said inspection and for all other work performed for the county, the sum of Seven Dollars per day and actual travelling expenses, which same must be in full payment for mileage expenses and per diem for the services aforesaid, and is audited and allowed in the same manner as any other claim against the county."

Amend Section 54, by striking out the word "members" in line 327, and insert the words "County Surveyor" therein.

With these amendments we recommend that the bill do pass."

On motion of Allen, report was adopted, and bill ordered engrossed.

By Bever:—"Your Committee on Affairs of Cities to whom was referred House Bill No. 44, a bill for an act to license, regulate and prohibit gambling in cities or towns or within three miles thereof, beg leave to report that the same be indefinitely postponed. Also House Bill No. 43, a bill for an act entitled an act to prohibit gambling in the State of Montana, that the same be indefinitely postponed."

On motion of Duggan, report adopted. House Bills Nos. 43 and 44 indefinitely postponed.

By McCone:—"Your Committee on Live Stock and Public Ranges to whom was referred House Bill No. 236, a bill for an act entitled an act to amend sections 2956, 2957 and 2990, and to repeal section 2958 of the Political Code, beg leave to report same back to the House with the recommendation that it do pass."

Bill ordered printed.

By McCone:—"Your Committee on Live Stock and Public Ranges to whom was referred House Bill No. 182, a bill for an act to authorize the Board of Stock Commissioners of the State of Montana to sell and transfer stray horses and cattle shipped out of the state, and to receive and disburse the proceeds thereof,

Also House Bill No. 241, a bill for an act to amend section 1 of an act of the Seventh Legislative Assembly, entitled an act to amend sections 1, 2, 3 and 4 of an act of the Sixth Legislative Assembly, entitled an act to protect the owners of horses and to cause the inspection of the same,

Also House Bill No. 239, a bill for an act to amend Senate Bill No. 78 of the Sixth Legislative Assembly of the State of Montana, being an act to protect the owners of horses and to cause the inspection of the same, beg leave to report the same back to the House with the recommendation that they be indefinitely postponed."

On motion of McCone, report adopted. House Bills Nos. 182, 241 and 239 indefinitely postponed.

By Rice:—"Your Committee on Privileges and Elections, having had before them the investigation of alleged fraud and corruption at a general election held in the County of Silver Bow, on the 4th day of November, 1902, would respectfully report that in accordance with instructions from this body, we did on the 23rd day of January, summon John Weston, County Clerk and Recorder of Silver Bow County, to appear before us with all official ballots cast at said election. On January 26th, County Clerk and Recorder Weston did appear, and from that date until February 6th, when the count was called off, our sub-committee did faithfully superintend

said tally, bringing forward the ballots of such alleged fraudulent precincts as said contestants desired counted, until fifteen precincts in said County of Silver Bow had been fully and carefully enumerated so far as the legal status of the Silver Bow members in this House were concerned. That our committee counted and continued to count until all precincts where fraud had been charged had been enumerated, and as Chairman of your committee would state that this investigation has been prosecuted as economically and rapidly as possible. That the contestants of this matter have absolutely proved nothing, seeming to rely on what disclosures the ballots would show to substantiate their charges. As the investigation of this matter since the receipt of the ballots has been entirely in the hands of our sub-committee, Messrs. Bever, Swindlehurst and Cannon, I append herewith their report."

"Your Sub-committee heretofore charged with the duty of taking testimony in the matter of the contest of the seats of the sitting members from Silver Bow County, respectfully report:

"That such investigation was by your sub-committee prosecuted with diligence until Friday, the 6th inst., upon which date attorneys for the contestants were requested to file with the sub-committee a statement in writing showing briefly the facts they expected to prove in support of each allegation made by the contestants, and the names and places of residences of not to exceed two creditable witnesses who could be called in support of each of such allegations, to the end that the sub-committee might thereupon cause subpoenas to be issued requiring such witnesses to appear and testify before the sub-committee.

The attorneys requested time until Tuesday, the 10th instant, to prepare the required statement. This being allowed, on the last named date the following statement was delivered to the chairman of the sub-committee, to-wit:—To the Hon. J. H. Rice, Chairman, Committee on Privileges & Elections, House of Representatives, Helena, Montana. We, the undersigned, your petitioners in the matter of the contest of the Silver Bow delegation now occupying seats in your body, respectfully represent, that after a full consultation of the contestants, your petitioners, and in view of the fact that the introduction of testimony in the case on their part would take up the time of your committee until practically the close of the present session, and at a considerable cost to the state, as well as to your petitioners, and that even in the event of a report favorable to your petitioners, will result in no tangible benefit to them have decided that they do not desire to proceed further in the matter of said contest, and respectfully ask that the same be dismissed. Thanking the committee for past courtesies extended, we beg to remain, respectfully, C. P. Connolly, J. Bruce Cremer, Edward S. Booth, Attorneys for Petitioners.

This communication gives notice of an abandonment of the contest by the contestants, the Democratic Legislative candidates, after issue joined between themselves and the contestees, the Fusion members of the House from Silver Bow County, on charges and counter-charges of the most serious character. These charges by the Democrats and the counter-charges by the Fusionists involve allegations of illegal registration, illegal voting, conspiracy amongst judges and clerks of election to make fraudulent count and false returns of votes cast, tampering with returns when made, and in short, almost every conceivable crime against the election laws of this state. In the very nature of the case, proof of the truth of the charges could only be made by and through the cordial co-operation of one or both of the contending parties making the charges and counter-charges. The investigation had not progressed far enough to enable your sub-committee to form a just or correct conclusion as to the truth or falsity of any of the allegations made by either party, when the motion to dismiss was presented by attorneys for contestants. It is clear that henceforth that the investigation must be prosecuted, if at all, in the face of indifference, if not the opposition of both contestants and contestees. Under such circumstances, not being advised of the names and whereabouts of witnesses, the committee would in a short time at its command labor against unsurmountable obstacles. The effort could be so obviously futile that your sub-committee feels constrained to recommend that the contest be dis-

missed for the want of prosecution, as there has been no evidence of irregularity in the ballots, so far as the legislative ticket is concerned. Chauncy C. Peyer, T. M. Swindlehurst, H. S. Cannon."

"Your committee would therefore report that in the matter of the contest of the seats of the members of Silver Bow County that Patrick Mullins, James H. Lynch, John MacGinniss, Robert W. Farmer, Guy Stapleton, Louie Lienemann, Frank B. Axtell, William B. Whiteley, Charles W. Demster, Joseph Shannon, Larry Duggan, and Frank W. Pelletier, are entitled to seats in this body."

Bray of Lewis and Clarke moved, seconded by Conner, the adoption of the report—Carried.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:—

By Committee on Ways & Means. H. B. No. 271. A bill for an act to provide for the support of the government of the State of Montana for the fiscal years 1903 and 1904.

By Rice:—H. B. No. 272. An act creating "Pioneer Day."

By Faust:—H. B. No. 273. A bill for an act prohibiting hunting on enclosed premises and to provide a penalty therefor.

By Com. on Ways & Means:—H. B. No. 274. A bill for an act in relation to costs and securities for costs in civil actions.

By Everett:—H. B. No. 275. A bill for an act to create the County of Bear Paw, to define its boundaries, to provide for its organization and government, and to alter the boundaries of Choteau county.

Tooley reported as follows:—

"Your Committee on Enrollment begs leave to report House Bills Nos 36, 10, 50 and 75 as correctly enrolled."

Mr. Speaker announced that he was about to sign House Bills Nos. 36, 10, 50 and 75.

READING OF SENATE BILLS.

S. B. No. 8, read first and second times, and referred to Committee on Mines and Mining.

S. B. No. 57, read first and second times, and referred to Committee on State Boards and Officers.

S. B. No. 13, read first and second times, and referred to Committee on Judiciary.

S. J. M. No. 3, read first and second times, and referred to Committee on Live Stock and Public Ranges

READING OF HOUSE BILLS.

H. B. No. 271, read first and second times, and referred to Committee on Judiciary.

H. B. No. 272, read first and second times, and referred to Committee on Ways & Means.

H. B. No. 273, read first and second times, and referred to Committee on Agriculture and Horticulture.

H. B. No. 274, read first and second times, and referred to Committee on Judiciary.

H. B. No. 275, read first and second times, and referred to Committee on Townships and Counties.

MESSAGES FROM THE SENATE.

The following communications were received from the Senate:—

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that the Senate has appointed a committee consisting of Meyer, Whipple and Cullen, to act with a like committee from the House, with reference to House Bill No. 31.

Also, that notice of introduction of bill was given as follows:—

By Kelly:—A bill for an act requiring any plaintiff or plaintiffs in any

action wherein damages are sought to be recovered for personal injuries of whatsoever nature, whether to person or character, to furnish a bond for costs, to be fixed and approved by the court at the time of filing the complaint in any such action.

Also, that the following Senate Bills were introduced and read first and second times:—

Substitute for Senate Bill No. 71, by Com. on Judiciary:—A bill for an act to provide for the designation and appointment of a District Judge to temporarily hold court in another district than his own, and to provide the official duties of the District Judge of such district where such Judge is disqualified from performing the same.

S. B. No. 79, by Yegen:—A bill for an act to create the Thirteenth Judicial District of the State of Montana, to be composed of Yellowstone and Rosebud counties, and providing for the appointment of a Judge thereof, and to adjust the lines of the Seventh Judicial District to conform thereto.

S. B. No. 80. By Anderson. A bill for an act to amend sections 860, 861, 862, 863 and 864 of the Civil Code, relating to religious, social and benevolent corporations.

S. B. No. 81, by Waite. A bill for an act relating to the licensing of peddlers and canvassers of agricultural and domestic implements and machinery, and other articles.

S. B. No. 82, by Anderson. A bill for an act to amend section 4074, Part 3, Title 20, Chapter 13, Article 2, of the Political Code of the State of Montana, relating to licenses for express companies.

S. B. No. 83, by Meyer. A bill for an act entitled an act to facilitate the indentification of criminals, to regulate the measurement and description thereof, to provide for indexing and classifying of prisoners, and to establish means of defraying expenses of the provisions hereunder.

X. K. STOUT, Secretary."

Stapleton, by unanimous consent, made the following report:—

"Your Special Committee appointed to adjust House Bill No. 31, beg leave to report that they have, after conferring with Senate Committee appointed for a like purpose, adjusted said bill and ask that the consideration of the same be made a special order for 2 o'clock this afternoon." Report Adopted.

Made special order for 2 o'clock P. M.

On motion of Conner, at 11.45 A. M., the House took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

House re-assembled at 2 o'clock P. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

Faust made the following report:—"Feb. 13, 1903. "Mr. Speaker:—Your Journal Committee beg leave to report that they have examined the Journal 39th day of this session and find same correct." Report Adopted.

Special Order for 2 o'clock P. M.—Consideration of House Bill No. 31.

On motion of Word the House resolved itself into Committee of the Whole, to consider House Bills Nos. 31, 231, and 232.

Hilger in the chair.

House resumed.

Mr. Speaker in the chair.

Hilger, from Committee of the Whole, reported as follows:

"Your Committee of the Whole beg leave to report that they have had under consideration the following bills and recommend as follows:—

1st. House Bill No. 31, which they have amended, and recommend its passage as amended.

2nd. House Bill No. 231, recommend its passage.

3rd. House Bill No. 232, recommend its passage." Report adopted.

House Bills Nos. 31, 231 and 232 ordered engrossed.

On motion of Allen the rules were further suspended and the House

resolved itself into a Committee of the Whole for consideration of House Bills 52, 166 and 12.

Hilger in the chair.

House resumed.

Mr. Speaker in the chair.

Hilger from Committee of the Whole, reported as follows:—

"Mr. Speaker:—Your Committee of the Whole have had under consideration House Bill No. 52 and report progress."

House resolved itself into Committee of the Whole.

Swindlehurst in the chair.

House resumed.

Mr. Speaker in the chair.

Swindlehurst from Committee of the Whole, reported as follows:—

"Mr. Speaker:—Your Committee of the Whole, having had under consideration House Bill No. 166, House Bill No. 12 and Senate Bill No. 20, recommend as follows:—

1st. That we have considered House Bill No. 166, and recommend that it do pass.

2nd. That we have considered House Bill No. 12, and recommend that it do pass.

3rd. That we have considered Senate Bill No. 20, and recommend that it be amended, and as amended, it be concurred in." Report Adopted.

House Bills Nos. 166 and 12 ordered engrossed.

Senate Bill No. 20, placed on third reading.

Gangner was excused until Monday morning.

On motion of Conner, at 4.30 P. M., the House adjourned until to-morrow at 10 o'clock A. M.

B. F. WHITE,
Speaker.

NATHAN GODFREY,
Chief Clerk.

FORTY-FIRST DAY

Saturday, February 14th, 1903.

House met pursuant to adjournment at 10 o'clock A. M.

Roll called—all members present except Bever, Burt, Farmer, Gangner, Harrison, Lehsou, Miles—excused.

Prayer by the Chaplain.

Tooley made the following report:—

"Your committee on Enrollment reports H. J. M. No. 2, relative to the opening for settlement of the Absarokee Forest Reserve; also H. B. No. 59, an act to amend section 4367 of the Political Code, relating to the safe keeping of public funds by County Treasurers; also H. B. No. 45, entitled an act to prevent all persons owning or operating a coal mine on the bank of a stream containing fish or water which is used for domestic purposes or for irrigation, from depositing coal slack or other refuse in such stream, and for fixing the penalty for the violation thereof; also H. B. No. 29, an act to amend section 1201 of the Political Code, Session Laws of 1897, page 113, relating to the appointment of registry agents,—as correctly enrolled."

Mr. Speaker announced that he was about to sign House Bills Nos. 59, 45, 29 and H. J. M. No. 2.

NOTICES OF BILLS.

The following notices were given:—

By Faust:—A bill for an act to amend section 4066 of the Political Code of the State of Montana, as amended by the Session Laws of the Fifth Legislative Assembly, relating to the licensing of peddlers, hawkers and travelling merchants.

By Farmer:—A bill for an act to regulate and license gambling, by faro, roulette, poker, craps, and nickle-in-the-slot machines, and to prevent

sure-thing games, and repeal an act of the Seventh Regular Session of the Legislative Assembly of the State of Montana, approved March 15th, 1901, entitled, an act to prohibit gambling within the State of Montana, and to provide penalties for violations of this act, and repealing an act of the Fifth Regular Session of the Legislative Assembly of the State of Montana, approved March 4th, 1897, and entitled an act to prohibit gambling within the state of Montana, and to provide penalties for the violation of the provisions thereof, and to provide for the enforcement thereof, and to repeal all laws in conflict with the same.

By Everett:—A bill for an act to aid and encourage the organization and construction for co-operative canals, providing for the sale of bonds for the same, the manner in which money shall be disbursed, and the redemption of bonds.

REPORTS OF STANDING COMMITTEES.

The following reports were made:—

By Wilson of Cascade:—

“Your Committee on Engrossment to whom was referred H. B. No. 155, and 92, and Sub. H. B. No. 101, Sub. H. B. 18, H. B. 231 and H. B. 232, beg leave to report them as correctly engrossed.”

By Stadler:—“Your committee on Internal Improvements to whom was referred House Bill No. 203, an act to amend chapter 10 of the Political Code of the State of Montana, relating to pawn brokers, and amending the title thereto, so as to include dealers in second-hand goods and junk dealers, respectfully report the same back to the House with the recommendation that it do pass.”

Bill ordered printed.

By Woodworth:—“Your committee on Highways, to whom was referred House Bill No. 152, an act to repeal sections 2840, 2841 and 2843, of Article XVI, Part III, Title VI, of the Political Code of the State of Montana, relating to toll roads and bridges, beg leave to report the same back to the House without recommendation.”

Bill ordered printed.

By King:—“Your committee to whom was referred House Bill No. 243, introduced by Committee on Mines & Mining, entitled an act to amend sections 582, 583, 584, 585, 586, and 589, of Article XV, Chapter III, Title —, Part 3, of the Political Code, relating to Inspector of Mines, beg leave to report that they have had the same under consideration and report the same back with the recommendation that it do pass.”

Bill ordered printed.

Also, by King as Acting Chairman:—“Your Committee on Corporations other than Municipal, having had under consideration H. B. No. 114, a bill for an act to amend section 584, division 1, part 4, title 3, chapter 1, of the Civil Code of the State of Montana, relating to reserve in banks; begs leave to submit a substitute in lieu of the original bill and recommends that said substitute do pass.”

On motion of Sales, report adopted. Substitute ordered printed.

By Story:—“Your Committee on Education to whom was referred House Bill No. 170, a bill for an act to amend section 1733 of the Political Code of the State of Montana, relating to duties of county superintendents respectfully report the same back to the House with the recommendation that it be indefinitely postponed.”

On motion of Sales, report adopted. Bill indefinitely postponed.

Also, “Your Committee on Education to whom was referred House Bill No. 84, an act to amend section 1910 of the Political Code as amended by the Seventh Legislative Assembly and approved March 14, 1901, and to amend sections 1911 and 1912 of the Political Code as amended by the Fifth Legislative Assembly, and approved March 4th, 1897, and sections 1913, 1914 and 1915 of the Political Code relating to teachers' examinations and certificates, respectfully report the same back to the House with the recommendation that it be indefinitely postponed.”

On motion of Wilson of Cascade, seconded by Sales, report adopted. Bill indefinitely postponed.

Also, "Your Committee on Education, to whom was referred House Bill No. 83, a bill for an act entitled an act to amend section 1840 of the Political Code of Montana, relating to the qualifications of teachers, respectfully report the same back to the House with the recommendation that it do pass."

Bill ordered printed.

Also, "Your Committee on Education to whom was referred House Bill No. 122, a bill for an act to amend section 1757 of the Political Code, relating to the apportionment of money to school districts, report the same back to the House with the recommendation that it do pass."

Bill ordered printed.

By King:—"Your Committee to whom was referred House Bill No. 120, introduced by Schwend, entitled, an act to prohibit the employment of incompetent persons to manage or operate any electric, compressed air, or other engine or motor which may be used in, around or about any mill, smelter, reduction works or manufacturing plant or any kind, in the state of Montana, and providing penalties for the violation of its provisions,—beg leave to report that they have had the same under consideration, and report the same back to the House with the recommendation that with the following amendments, the same do pass: That in line 2 of the title, the word "or" be inserted between the words "electric" and "compressed", and in line 3 of the title of the bill the words "or other" be stricken out; also in section 1, in line 1, the word "or" be inserted between the words "electric" and "compressed"; and in line 2, the words "or other" be stricken out; also in section 2, line 3, the word "or" be inserted between the words "electric" and "compressed" and in line 3, the words "or other" be stricken out."

On motion of Bray of Lewis and Clarke report adopted. Bill ordered printed.

By Story:—"Your Committee on Education to whom was referred House Bill No. 62, a bill for an act to amend section 3 of Senate Bill No. 37, an act of the Seventh Legislative Assembly, approved March 14th, 1901, amending an act to establish county free high schools and to provide for their maintenance, respectfully report the same back to the House with the recommendation that it be indefinitely postponed."

On motion of Dwight, report adopted. Bill indefinitely postponed.

Also, "Your Committee on Education to whom was referred House Bill No. 171, a bill for an act to amend section 1703 of the Political Code of the State of Montana, relating to duties of the Superintendent of Public Instruction, respectfully report the same back to the House with the recommendation that it be indefinitely postponed."

On motion of Dwight, report adopted. Bill indefinitely postponed.

Also, "Your Committee on Education, to whom was referred House Bill No. 127, a bill for an act entitled an act creating a county Board of Examiners for the purpose of examining teachers, and defining the powers and duties and fixing the compensation of the members of such Boards, respectfully report the same back to the House with the recommendation that it be indefinitely postponed."

On motion of Wilson of Cascade, report adopted. Bill indefinitely postponed.

By Conner:—"Your Committee on Appropriations have considered House Bill No. 187, a bill for an act enlarging the powers of the Board of Managers of the Soldiers Home, admitting disabled miners to the benefits and privileges thereof, and making an appropriation therefor, and recommend that it be indefinitely postponed."

Also, the claims of G. H. MacDougall and C. H. Sholes, for stenographic work for Judiciary Committee, have been considered, and we recommend that further consideration of same be indefinitely postponed."

On motion of Conner report adopted. Bill indefinitely postponed. Claims of MacDougall and Sholes rejected.

By Buchanan:—"Your committee on Printing begs leave to report H. B. No. 175, H. B. No. 90, H. B. No. 139, H. B. No. 26, Sub. H. B. No. 204, corrected Substitute for 2, 11, and 14, and Substitute for House Bills 158 and 163, as having been returned correctly printed."

By Story:—"Your Committee on Education to whom was referred Senate Bill No. 15, a bill for an act entitled an act to amend sub-division 15, of section 1797, of the Political Code as amended by Session Laws of 1901, relating to public schools, report the same back to the House with the recommendation that it be concurred in."

Bill placed on General Orders.

Also, "Your Committee on Education to whom was referred Senate Bill No. 14, a bill for an act entitled an act to amend article 8, section 1861, chapter 6, of the Political Code of the State of Montana, report the same back to the House with the recommendation that it be concurred in."

Placed on General Orders.

Also, "Your committee on Education to whom was referred Senate Bill No. 5, a bill for an act entitled, an act to amend section 2345 of the Political Code of Montana, relating to taking the annual census of the deaf, blind and feeble-minded of the State of Montana, report the same back to the House with the recommendation that it be concurred in."

Placed on General Orders.

By Brownlee:—"Your committee on Townships & Counties to whom was referred House Bill No. 167, a bill for an act entitled, an act to annex a portion of Fergus County to Yellowstone County and alter the boundaries of said counties to conform thereto, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass."

Bill ordered printed.

Also, "Your Committee on Townships & Counties, to whom was referred House Bill No. 176, a bill for an act requiring county assessors to make a return to counties and towns of the valuation and assessment of personal property assessed by them in said cities and towns, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass."

Bill ordered printed.

Also, "Your Committee on Townships & Counties to whom was referred House Bill No. 56, a bill to amend an act of the Seventh Session of the Legislative Assembly of the State of Montana, entitled an act relative to the powers and duties of the Justices of the Peace, and fixing their compensation in certain townships, approved March 22, 1901, having had same under consideration, beg leave to report same back to the House with the following substitute, with the recommendation that it do pass."

On motion of Miller, report adopted. Substitute bill ordered printed.

Also, "Your committee on Townships & Counties to whom was referred House Bill No. 165, an act to amend section 4597, chapter IV, title II, Part IV, of the Political Code of Montana, relating to the number of deputies and salaries for such deputies of the Clerk of the District Court, and the Sheriff, having had same under consideration, beg leave to report same back to the House with the recommendation that it be indefinitely postponed."

On motion of Story, report adopted. Bill indefinitely postponed.

Also, "Your Committee on Townships & Counties, to whom was referred House Bill No. 238, a bill for an act entitled an act defining the duties of the Boards of Equalization and Assessors in the State of Montana, and providing for their removal from office upon failure to discharge the same, and providing a penalty therefor,—having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass."

Bill ordered printed.

Also, "Your Committee on Townships & Counties, to whom was referred House Bill No. 192—a bill for an act to divide counties into Commissioners districts—having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass."

Bill ordered printed.

Also, "Your Committee on Townships & Counties, to whom was referred House Bill No. 228,—a bill for an act entitled an act authorizing receivers, assignees, trustees, guardians, committees, executors, administrators or curators, or any persons holding positions of judicial trust, to include as a

part of the lawful expense of holding their trust, the cost of procuring bonds, and also providing for the payment of such costs, under certain conditions, by city or county authorities,—having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.”

Bill ordered printed.

Also, “Your Committee on Townships & Counties, to whom was referred House Bill No. 200—an act to provide for the publication of the tax rolls of the several counties of the State of Montana—having had same under consideration, beg leave to report the same back to the House with the recommendation that it do pass.”

Bill ordered printed.

Also, “Your Committee on Townships & Counties, to whom was referred House Bill No. 181, a bill to change the spelling of the name of “Choteau”, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.”

Bill ordered printed.

Also, “Your Committee on Townships & Counties, to whom was referred House Bill No. 126—a bill for an act providing for a Meat and Dairy Inspector in first class counties within the State of Montana—having had same under consideration, beg leave to report the following substitute with the recommendation that it do pass.”

On motion of Story, report adopted. Substitute Bill ordered printed.

By Lanstrum:—“Your Committee on Ways & Means to whom was referred House Bill No. 168, a bill for an act requiring fire insurance companies, corporations and associations, doing business in the State of Montana, to pay a tax upon the excess premiums received over losses sustained, and providing for the payment of money received from said tax for the use of fire departments, respectfully report the same back to the House with the accompanying substitute, and recommend that the substitute do pass.”

On motion of Sales, report adopted. Substitute bill ordered printed.

Also, “Your committee on Ways & Means to which was referred Substitute for House Bill No. 3, an act providing for the payment of expenses of sheriffs for transporting prisoners and insane persons, and for serving process of courts, respectfully report same back to the House with the accompanying substitute, and recommend that the substitute for the substitute for House Bill No. 3 do pass.”

On motion of Story, report adopted. Substitute for Substitute ordered printed.

By McCone:—“Mr. Speaker:—Your Committee on Live Stock & Public Ranges, to whom was referred Senate Bill No. 28, a bill for an act entitled an act to prevent the wilful and malicious killing or maiming of live stock, or the placing of any poison or poisonous substance upon the range or elsewhere and prescribing punishment, beg leave to report the same back to the House with the recommendation that it be concurred in.”

Placed on General Orders.

Also, “Mr. Speaker:—Your committee on Live Stock & Public Ranges to whom was referred House Bill No. 185, a bill for an act entitled an act to amend section 3006 of the Political Code of the State of Montana, relating to the slaughter of animals by order of the State Veterinarian, beg leave to report same back to the House with the recommendation that it do pass.”

Bill ordered printed.

Also, “Mr. Speaker:—Your Committee on Live Stock and Public Ranges, to whom was referred Senate Joint Memorial No. 1, protesting against continued agitation favoring leasing of government land.

Also, Senate Joint Memorial No. 2, petitioning Congress for relief for holders of Forest Reserve script, beg leave to report the same back to the House with the recommendation that they be concurred in.”

Senate Joint Memorials Nos. 1 and 2 placed on General Orders.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:—

By MacGinniss:—H. B. No. 276. A bill for an act providing for the registration of electors.

By Ways & Means Committee:—H. B. No. 277. An act to amend section 681 of the Civil Code of Montana relating to taxation of insurance companies, corporations and associations, and to provide for failure to pay such taxes.

By Bray of Rosebud: H. B. No. 278. An act to amend section 1190 Chapter 2, Title 15, of Penal Code of the State of Montana, being an act to prevent the use, as a brand, of any sash or frying pan.

By Miller:—H. B. No. 279. A bill for an act entitled an act providing for the setting apart of a room in the Capitol Building of the State of Montana for the storage and safe keeping of the archives and records, etc., of the Grand Army of the Republic.

By Miller:—H. B. No. 280. A bill for an act providing for the licensing of any person engaging in or engaged in any occupation, pursuit or calling, in the State of Montana, not enumerated in the license laws of the state, and for the licensing of such unmarried persons, and providing for the collection of such licenses.

By Faust:—H. B. No. 281. A bill for an act to license sleeping, chair, drawing-room and parlor cars, and to regulate the operation thereof within the state.

Allen moved that when the House adjourn it do adjourn until 2 o'clock to-day. Motion Lost.

Duggan moved to amend, by making it 2 o'clock on Monday.

Story moved to amend by making it 10 o'clock on Monday. Upon which a division was called—Ayes, 30—Nays, 21—Carried.

MOTIONS & RESOLUTIONS.

O'Keefe moved that House Bill No. 142 be withdrawn from Committee on Judiciary and referred to some other committee—Carried.

Mr. Speaker referred House Bill No. 142 to Committee on Labor.

Beaudry introduced the following:—

Resolved that the Committee on Privileges and Election be and are hereby instructed to submit to this House on Wednesday, February 18th, an itemized statement of all expenses which are now or may become proper charges against the State of Montana, on account of the investigation into the matter of the Silver Bow Election contest.

Laid over for one day under the rules.

Miller introduced the following:—

Resolved that the contestants in the matter of the contest against seats of Silver Bow members be charged with the cost of this investigation, and that they be declared in contempt of this House until such costs are paid.

Seconded by Conner, and resolution adopted.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 276, read first and second times, and referred to the Committee on Privileges & Elections.

H. B. No. 277, read first and second times, and referred to Committee on Insurance.

H. B. No. 278, read first and second times, and referred to Committee on Live Stock & Public Ranges.

H. B. No. 279, read first and second times, and referred to Committee on State Institutions.

H. B. No. 280, read first and second times, and referred to Committee on Ways & Means.

H. B. No. 281, read first and second times, and referred to Committee on Ways & Means.

Too'ey reported as follows:—

"Your Committee on Enrollment beg leave to report House Bills Nos. 50, 36, 10 and 75 were delivered to his Excellency, the Governor, at 11 A. M. to-day, Feb. 14th, 1903."

MESSAGES FROM THE GOVERNOR AND SENATE.

The following communication was received from the Governor:—

"Feb. 13, 1903. To the Speaker of the House of Representatives, Helena, Montana. Sir:—I have the honor to transmit herewith the following claims presented to the State Board of Examiners, and not paid for want of funds:

Company "A" Bozeman,.....	\$400.00
Company "B" Butte,.....	312.00
Company "C" Big Timber,.....	312.00
Company "D" Red Lodge,.....	212.00
Company "E" Livingston,.....	312.00
Company "F" Dillon,.....	312.00
Battery "A" Helena,.....	550.00

\$2510.00

J. K. TOOLE, Governor."

Claims referred to Committee on Appropriations.

The following message was received from the Senate:—

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that Senate Bill No. 31 was to-day read third time and passed, and is herewith transmitted for your concurrence.

X. K. STOUT, Secretary."

Bill placed on third reading.

THIRD READING OF BILLS.

House Bill No. 129, read third time and passed by the following vote:—

Ayes:—Allen, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Cannon, Conner, Faust, Flaherty, Giltinan, Hilman, Johnson, King, Lancaster, Lanstrum, Linderman, Martin, Miller, McCone, Noble, Pearson, Rice, Sales, Self, Stadler, Story, Sykes, Tolman, Tooley, Vagg, Webb, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Woodworth, Mr. Speaker—39.

Nays, Arthur, Axtell, Dempster, Duggan, Dwight, Graham, Hilger, Lienemann, Lynch, Morrissey, Mullins, MacGinniss, O'Keefe, Owen, Pelletier, Schwend, Shannon, Stapleton, Swindlehurst, Wood—20.

House Bill No. 141, read third time and passed by the following vote:—

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Cannon, Conner, Dempster, Dwight, Faust, Flaherty, Giltinan, Graham, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lienemann, Linderman, Lynch, Miller, Morrissey, Mullins, McCone, MacDonald, MacGinniss, O'Keefe, Owen, Pearson, Pelletier, Rice, Self, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word, Mr. Speaker—59.

Nays:—Martin, Noble, Sales—3.

Substitute House Bill No. 135, read third time and passed by the following vote:—

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Conner, Dempster, Duggan, Dwight, Faust, Flaherty, Giltinan, Graham, Hilger, Hilman, Johnson, Lancaster, Lanstrum, Lienemann, Linderman, Lynch, Martin, Miller, Morrissey, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pearson, Pelletier, Rice, Sales, Self, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—58.

Nays, None.

House Bill No. 155, read third time and passed by the following vote:—

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Cannon, Conner, Dempster, Dwight, Faust, Flaherty, Giltinan, Graham, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lienemann, Linderman, Lynch, Martin,

Miller, Morrissey, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pearson, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—61.

Nays, None.

On motion of Duggan, at 11.53 A. M., the House adjourned until Monday at 10 o'clock A. M.

B. F. WHITE,
Speaker.

NATHAN GODFREY,
Chief Clerk.

FORTY-THIRD DAY

Monday, February 16th, 1903.

House met in pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—all members present.

Prayer by the Chaplain.

COMMUNICATIONS AND PETITIONS.

A petition was received from various citizens of Montana, praying for the adoption of Initiative and Referendum. Referred to Committee on Judiciary.

A remonstrance was received from various citizens of the State of Montana, against the passage of Senate Bill No. 30 in its present form. Referred to Committee on Fish and Game.

REPORTS OF STANDING COMMITTEES.

The following reports were made:—

By Bever:—"Mr. Speaker:—We your Committee on Affairs of Cities, to which was referred for consideration, House Bill No. 57, introduced by C. H. Bray of Lewis and Clarke,—a bill for an act entitled an act relating to the granting of franchises by cities and towns, and providing for a submission of the question of granting any franchise to the qualified voters—begs leave to recommend the following amendments:—1st. That the title of said bill be amended so as to read as follows: "A bill for an act entitled an act relating to the granting of franchises by cities and towns, and providing a submission of the question of granting any franchise to the resident freeholders, whose names shall appear on the city or county tax roll preceding such election." 2nd. In section 1, lines 4 and 5, the words "qualified electors" to be omitted and the following inserted in lieu thereof: "resident freeholders whose names shall appear on the city or county tax roll preceding such election". 3rd. In section 2, and after the first word "for" in line 8, the following to be inserted: "and the valuable consideration, if any there be, to be derived by the city"; and reports the same back to the House with the recommendation that it do pass as amended."

On motion of Miller report adopted, and bill ordered printed.

By Self:—"Mr. Speaker:—Your Committee on Judiciary to whom was referred House Bill No. 172, entitled an act appropriating money for the payment of the claim of Custer County for the state's portion of taxes which Custer County was compelled to refund to the Western Ranches Limited,—beg leave to say that we have had said bill under consideration and report same back with the recommendation that it be referred to the Printing Committee and then placed on General orders."

On motion of Conner, report adopted and bill ordered printed.

By Brownlee:—"Mr. Speaker:—Your committee on Townships & Counties to whom was referred Senate Bill No. 32—a bill entitled an act to amend section 1892 of Title 6, of Chapter 1, Part 2, of the Penal Code of

the State of Montana, relating to the appointment of counsel in criminal cases and their compensation where the accused is unable to employ the same—having had same under consideration, beg leave to recommend that same be referred to the Judiciary Committee."

On motion of Brownlee, report adopted and bill referred to Judiciary Committee.

By Buchanan:—"Mr. Speaker:—Your Committee on Printing begs leave to report Sub. for H. B. No. 115, House Bills Nos. 208, 227, 177, 179, 225, 214, H. J. Resolution No. 1, House Bills Nos. 213, 209, 226, 212, 211, 220, 215, 210, and Sub. for H. B. No. 162, and House Bills Nos. 219, 218, 76, 217, 223, 224, 216, 207, 222, 221, and 196, as having been returned correctly printed."

By Self:—"Mr. Speaker:—Your Committee on Judiciary to whom was referred House Bill No. 264, entitled an act to amend section 1040 of the Political Code of the State of Montana, relating to salaries of officers pending the contest of title of office, beg leave to say that they have had said bill under consideration, and report the same back to the House with a Substitute therefor, with the recommendation that said substitute do pass."

On motion of Story, report adopted and substitute bill ordered printed.

Also, "Mr. Speaker:—Your committee on Judiciary to whom was referred House Bill No. 265, entitled an act to protect under-ground miners, beg leave to say that we have had said bill under consideration, and report the same back to the House with the recommendation that it be referred to the Printing Committee and then placed on General orders."

On motion, bill ordered printed.

Also, "Mr. Speaker:—Your Committee on Judiciary to whom was referred House Bill No. 266, entitled an act to prohibit advertising to procure divorces, beg leave to say that we have had said bill under consideration and report same back to the House with the recommendation that it do pass."

Bill ordered printed.

By Self:—"Mr. Speaker:—Your committee on Judiciary to whom was referred House Bill No. 267, entitled an act providing for the allowance of an attorney's fee, as a part of the costs in civil actions for the recovery of money due, or to enforce the performance of a contract or contracts beg leave to say that we have had said bill under consideration and report same back to the House with the recommendation that said bill be referred to the Printing Committee and then placed on General Orders."

Bill ordered printed.

Also, "Mr. Speaker:—Your committee on Judiciary to whom was referred House Bill No. 268, entitled an act to repeal sub-division 6, section 2185, title 2 of the Civil Code of the State of Montana, relating to the manner of creating contracts, beg leave to say that we have had said bill under consideration and report the same back to the House with the recommendation that the further consideration thereof be indefinitely postponed."

On motion of Story report adopted and bill indefinitely postponed.

By Story:—"Mr. Speaker:—Your Committee on Education to whom was referred House Bill No. 143, a bill for an act to repeal an act of the Fifth Legislative Assembly of the State of Montana, entitled an act to create a Board of Text Book Commissioners, for the purpose of establishing a uniform series of text books for the public schools of Montana and to regulate the supply of the same, denning the duties and powers of said Board and to appropriate for their expenses a sum of money therein named, beg leave to report same back to the House with the recommendation that it do pass."

Bill ordered printed.

Also, "Mr. Speaker:—Your committee on Education to whom was referred House Bill No. 64, an act to amend section 1744 of the Political Code of Montana, relating to the qualification of County Superintendents of Schools, beg leave to report the same back to the House with the recommendation that it do pass."

Bill ordered printed.

Also, "Mr. Speaker:—Your committee on Education to whom was referred House Bill No. 80, an act entitled an act to amend section 1920 of

the Political Code of the State of Montana, relating to the compulsory attendance of school children, recommends that it do pass with the following amendment:—By inserting the words "or in a private school" after the word "home" in section 1920, Part 1, line 1."

On motion of Story report adopted and bill ordered printed.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:—

By Faust:—H. B. No. 282. A bill for an act to amend section 4066 of the Political Code of the State of Montana, as amended by the Session Laws of the Fifth Legislative Assembly, relating to licensing of peddlers, hawkers, and traveling merchants."

By Committee on Appropriations:—H. B. No. 283. A bill for an act making it a misdemeanor for state officers, boards of Managers, Board of Education, State Board of Health, Trustees or Board of Commissioners of State Institutions, except for State Prison and Insane Asylum, to incur any expense beyond amount appropriated therefor, and providing penalties for the violation thereof.

By Hilman:—H. B. No. 284. A bill for an act for the issuance of licenses to honorably discharged soldiers, sailors and marines of the military and naval service of the United States in the late war of the Rebellion, who shall engage in the business of a merchant or saloon keeper.

By Farmer:—H. B. No. 285. Bill for an act to regulate and license gambling by faro, roulette, poker, craps, and nickle-in-the-slot machines, and to prevent sure-thing games, and repealing an act of the Seventh Regular Session of the Legislative Assembly of the State of Montana, approved March 15, 1901, entitled an act to prohibit gambling within the State of Montana, and to provide penalties for the violation of the provisions thereof.

By C. H. Bray:—H. B. No. 286. An act relative to the powers and duties of the Justices of the Peace and fixing their compensation.

By Word:—H. B. No. 287. A bill for an act to amend section 448 of the Political Code of the State of Montana, relating to quarterly reports of the State Treasurer.

By Everett:—H. B. No. 288. A bill for an act to aid and encourage the organization and construction of co-operative canals, providing for the sale of bonds for the same, the manner in which money shall be disbursed and the redemption of bonds.

By Mullins:—H. B. No. 289. A bill for an act to create and establish a Home for crippled and disabled citizens of the State of Montana, to provide for its management and to make an appropriation therefor.

MOTIONS & RESOLUTIONS.

Miller introduced the following:

"Mr. Speaker: I move that House Bills Nos. 4 and 5, relating to licenses, be withdrawn from the Committee on Ways & Means where they have been for over forty days, and referred to the Committee on Appropriations." Adopted.

H. J. Resolution No. 3, relating to Pat Murphy's triplets, laid over until to-morrow.

READING OF HOUSE BILLS AND RESOLUTIONS.

The following were taken from the file:

By Beaudry:—RESOLVED that the Committee on Privileges and Elections be and are hereby instructed to submit to this House on Wednesday, February 18th, an itemized statement of all expenses which are now, or may become proper charges against the state of Montana, on account of the investigation into the matter of the Silver Bow election contest.

Pelletier moved its adoption, upon which a division was called for—Ayes 12, Nays, 24—Lost.

H. B. No. 282, read first and second times, and referred to Committee on Ways & Means.

H. B. No. 283, read first and second times, and referred to Committee on Ways & Means.

H. B. No. 284, read first and second times, and referred to Committee on Military Affairs.

H. B. No. 285, read first and second times, and referred to Committee on Ways & Means.

H. B. No. 286, read first and second times, and referred to Committee on Ways & Means.

H. B. No. 287, read first and second times, and referred to Committee on State Boards and Officers.

H. B. No. 288, read first and second times, and referred to Committee on Irrigation and Water Rights.

H. B. No. 289, read first and second times, and referred to Committee on Appropriations.

MESSAGES FROM THE SENATE.

The following message was received:

"Mr. Speaker: I am directed by the Senate to inform your Honorable body that the following bills were introduced and read first and second times:

Sub. for S. B. No. 71, by Committee on Judiciary. A bill for an act to provide for the designation and appointment of a district judge to temporarily hold court in another district than his own, and to provide the official duties of the district judge of such district where such judge is disqualified from performing the same.

S. B. No. 84, by Mahon. A bill for an act entitled an act to protect the range from fires along the right of way of railroads and to provide a penalty for the violation of this act.

S. B. No. 85, by Kelly, by request. A bill for an act entitled an act requiring any plaintiffs in any actions wherein damages are sought to be recovered for personal injury of whatsoever nature, whether to person or character, to furnish a bond for costs to be fixed and approved by the court at the time of filing of complaint in any such action.

S. B. No. 86, By Anderson. A bill for an act entitled an act relating to the purchase of blank books, stationery and other office supplies by counties.

S. B. No. 87, by Kennedy. A bill for an act entitled an act to determine the liability of railroad corporations in this state for damages to their employees and others in consequence of negligence of agents, engineers or other employees of such corporations, and to prevent any person or corporation from contracting against any liability created by this act.

Respectfully,

X. K. STOUT, Secretary."

THIRD READING OF HOUSE BILLS.

House Bill No. 231, read third time and passed by the following vote:

Ayes: Allen, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Downey, Dwight, Everett, Farmer, Faust, Flaherty, Giltinan, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lienemann, Linderman, Lynch, Martin, Miller, Morrissey, Mullins, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pearson, Pelletier, Rice, Sales, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tooley, Vagg, Webb, Williams, Woodworth, Word, and Mr. Speaker—53.

Nays: Axtell and Gangner—2.

House Bill No. 232 was read third time and passed by the following vote:

Ayes: Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Conner, Dempster, Downey, Everett, Farmer, Faust, Flaherty, Giltinan, Graham, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Miller, Miles, Morrissey, Mullins, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pearson, Pelletier, Rice, Sales, Schwend, Stadler, Stapleton, Story,

Sykes, Teal, Tooley, Vagg, Webb, Whiteley, Williams, Word, Mr. Speaker—54.

Nays: Axtell and Gangner, 2.

Sub. House Bill No. 101, read third time and passed by the following vote:

Ayes: Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Downey, Dwight, Everett, Farmer, Faust, Flaherty, Gangner, Giltinan, Graham, Harrison, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Lindermann, Lynch, Miller, Miles, Morrissey, Mullins, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pearson, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tooley, Vagg, Webb, Whiteley, Williams, Woodworth, Word, Mr. Speaker—64.

Nays, None.

House Bill No. 92, read third time and passed by the following vote:

Ayes: Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Dempster, Downey, Dwight, Everett, Farmer, Faust, Flaherty, Gangner, Graham, Harrison, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Miller, Miles, Morrissey, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pelletier, Rice, Sales, Schwend, Shannon, Stadler, Stapleton, Swindlehurst, Sykes, Teal, Tooley, Vagg, Webb, Williams, Woodworth, Word and Mr. Speaker—57.

Nays, Self—1.

Substitute House Bill No. 18, read third time and passed by the following vote:

Ayes: Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Downey, Dwight, Everett, Farmer, Faust, Flaherty, Gangner, Giltinan, Harrison, Hilger, Hilman, Johnson, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Miller, Miles, Morrissey, Mullins, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Swindlehurst, Sykes, Teal, Tooley, Vagg, Webb, Whiteley, Williams, Woodworth, Word and Mr. Speaker—59.

Nays, None.

House Bill No. 128, read third time and passed by the following vote:

Ayes: Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Downey, Dwight, Everett, Farmer, Faust, Flaherty, Giltinan, Graham, Harrison, Hilger, Hilman, Johnson, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Miller, Miles, Morrissey, Mullins, MacGinniss, Noble, Owen, Pelletier, Rice, Sales, Self, Shannon, Stadler, Swindlehurst, Sykes, Tooley, Vagg, Webb, Whiteley, Williams, Woodworth, Word and Mr. Speaker—52.

Nays, None.

House Bill No. 31, read third time and passed by the following vote:

Ayes: Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Farmer, Faust, Flaherty, Gangner, Giltinan, Graham, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Miller, Morrissey, MacDonald, MacGinniss, Noble, Owen, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Swindlehurst, Sykes, Tooley, Vagg, Webb, Whiteley, Williams, Woodworth, Word, Mr. Speaker—53.

Nays, None.

Senate Bill No. 20, read third time and passed by the following vote:

Ayes: Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Downey, Farmer, Faust, Flaherty, Giltinan, Graham, Hilger, Hilman, Johnson, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Martin, Miller, Miles, Morrissey, Mullins, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Swindlehurst, Sykes, Tooley, Vagg, Webb, Whiteley, Williams, Woodworth, Word, Mr. Speaker—56.

Nays, None.

Lanstrum offered the following.

Whereas, rule No. 1, paragraph 2 of the House forbids smoking in the lobbies and galleries of the House; and whereas, there are within reach of the floor of the House no convenient places where members can indulge in this luxury, and whereas, the routine business is now becoming such that members are obliged to remain in easy accessible distance of the floor of the House;

Be it therefore Resolved, that House Rule No. 1, paragraph 2, is hereby rescinded, so far as it applies to members smoking in the lobbies.

Lanstrum moved that the rules be suspended and that the resolution be adopted, upon which a division was called for—Ayes, 32, Noes, 18—Motion Lost.

On motion of Miller, at 12.10 P. M., the House took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

House re-assembled at 2 o'clock P. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

Faust made the following reports:—

"Mr. Speaker:—Your Journal Committee beg leave to report that they have examined the journal for the 40th day of this session and find the same correct."

"Mr. Speaker:—Your Journal Committee beg leave to report that they have examined the Journal for the 41st day of this session and find the same correct."

GENERAL ORDERS.

House resolved itself into Committee of the Whole.

Swindlehurst in the chair.

House resumed.

Mr. Speaker in the chair.

Swindlehurst, from Committee of the Whole, reported as follows:

"Mr. Speaker: Your Committee of the Whole, having had under consideration Substitute for House Bill No. 52 Senate Bill No. 23, and House Bill No. 6, recommend as follows:

1st. That we have considered Senate Bill No. 23, and recommend that it be amended and as amended it be concurred in.

2nd. That we have considered House Bill No. 6, and recommend that it do pass.

3rd. That we have considered Substitute for House Bill No. 52, and recommend that it be amended, and that as amended it be recommitted to the Judiciary Committee."

Report adopted.

Senate Bill No. 23 placed on third reading.

House Bill No. 6, ordered engrossed.

Substitute for House Bill No. 52 referred to Committee on Judiciary.

On motion of Lanstrum, the rules were suspended, and the House resolved itself into a Committee of the Whole to consider Substitute for House Bills Nos. 158 and 163, and 30.

Swindlehurst in the chair.

House resumed.

Mr. Speaker in the chair.

Swindlehurst, from Committee of the Whole, reported as follows:

"Mr. Speaker:—Your committee of the Whole, having had under consideration House Bills Nos. 158 and 163 and Senate Bill No. 30, recommend as follows:

1st. That we have considered Substitute for House Bills Nos. 158 and 163, and recommend that it be recommitted to the Committee on Fairs & Expositions.

2nd. That we have considered Senate Bill No. 30, and recommend that it be concurred in."

On motion of Lanstrum, report of Committee amended, so as to re-refer Substitute for House Bills Nos. 158 and 163 to Committee of the Whole.

Senate Bill No. 30 placed on third reading.

Tooley made the following report:—

"February 16th, 1903.

"Mr. Speaker: Your Committee on Enrollment reports that House Bill No. 29, an act to amend section 1201 of the Political Code, Session Laws of 1897, page 113, relating to the appointment of registry agents; that House Bill No. 59, an act to amend section 4367 of the Political Code, relating to the safe keeping of public funds by county treasurers; that House Bill No. 45, an act to prevent all persons owning or operating a coal mine on the bank of a stream containing fish or water which is used for domestic purposes or for irrigation, from depositing coal slack or other refuse in such stream, and for fixing the penalty for the violation thereof; and that House Joint Memorial No. 2, relative to the opening for settlement of the Absarokee Forest Reserve, were delivered to his Excellency, the Governor, at 3.32 P. M."

House resolved itself into Committee of the Whole.

Swindlehurst in the chair.

House resumed.

Mr. Speaker in the chair.

Swindlehurst, from Committee of the Whole, reported as follows:

"Mr. Speaker: Your Committee of the Whole having had under consideration substitute for House Bills Nos. 158 and 163, corrected substitute for House Bills Nos. 2, 11 and 14, and House Bill No. 161, and recommend as follows:

1st. That we have considered substitute for House Bills Nos. 158 and 163, and recommend that it be amended and as amended that it do pass.

2nd. That we have considered corrected Substitute for House Bills Nos. 2, 11 and 14, and recommend that it do pass.

3rd. That we have had under consideration House Bill No. 161, and recommend that it do pass."

Wilson of Cascade moved to recommit substitute for House Bills Nos. 158 and 163, upon which a division was called for—Ayes 33, Nays, 25—Carried.

Substitute for House Bills Nos. 158 and 163 referred to Committee on Fairs & Expositions.

Substitute for House Bills Nos. 2, 11 and 14 ordered engrossed.

House Bill No. 161, ordered engrossed.

Lanstrum, by leave, made the following report:

"Mr. Speaker:—Your Committee on Ways & Means to whom was referred House Bill No. 280, a bill for an act providing for the licensing of any person engaging in or engaged in any occupation, personal or calling in the state of Montana, not enumerated in the license laws of the State and for licensing of certain unmarried persons, providing for the collection of such licenses, respectfully report the same back to the House with the recommendation that it be submitted to the Committee on Immigration and the Committee on Public Institutions to meet in joint session with the Ways & Means Committee in the hall of the House immediately after adjournment for consideration of House Bill No. 280."

Report adopted.

Mr. Speaker announced that he was about to sign Senate Bills Nos. 2 and 18.

Giltinan moved to adjourn until 10 o'clock A. M. to-morrow, on which a division was called for—Ayes, 30, Nays, 24—Carried.

At 4.25 P. M. the House adjourned.

B. F. WHITE,
Speaker.

NATHAN GODFREY,
Chief Clerk.

FORTY-FOURTH DAY

Thursday, February 17th, 1903.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called, all members present.

Prayer by the Chaplain.

COMMUNICATIONS & PETITIONS.

A communication was received from Montana Auxiliary Fraternal Congress, remonstrating against any action being taken against fraternal orders by the Legislature. Referred to Judiciary Committee.

NOTICES OF BILLS.

The following notice was given:

By Conner: A bill for an act entitled an act to enable the State Auditor to purchase 25,000 state maps in folder form, for free distribution, and making an appropriation for the payment thereof.

By Vagg:—A bill for an act entitled an act to protect the range from fires, along the right of way of railroads, and to provide a penalty for the violation of this act.

REPORTS OF STANDING COMMITTEES.

The following reports were made:—

By Pearson:—"Mr. Speaker: Your Committee on State Institutions Public Buildings and Grounds, having had under consideration House Bill No. 202, a bill for an act to be entitled an act to enable the Normal School Land Grant to be further utilized in providing additional buildings and equipment for the Montana State Normal School, begs leave to submit a substitute in lieu of the original bill, and recommends that said substitute do pass."

Report adopted, and substitute bill ordered printed.

By Lanstrum:—"Mr. Speaker:—Your Committee on Ways & Means to whom was referred House Bill No. 94, a bill for an act to amend section 4590 of Chapter 4, Title 2, of Part 4, of the Political Code of the State of Montana, relating to the mileage of all officers, respectfully report the same back to the House with the recommendation that it do pass."

Bill ordered printed.

By Linderman: "Mr. Speaker:—Your committee on Corporations other than Municipal, to whom was referred Senate Bill No. 6, an act to amend section 451 of the Civil Code, relating to annual reports of corporations, report same back with the recommendation that it be concurred in."

Bill placed on General Orders.

By Cannon: "Mr. Speaker:—Your Committee on Railroads and Transportation, to whom was referred House Bill No. 188, an act to regulate fares and freight rates, preventing discrimination and prohibiting rebates on railroads in the State of Montana, beg leave to recommend that same be indefinitely postponed."

On motion of King, report adopted and bill indefinitely postponed.

By Lanstrum: "Mr. Speaker:—Your Committee on Ways & Means to whom was referred Substitute for Senate Bill No. 12, a bill for an act to amend sections 4644, 4646, 4652 and 4653 of the Political Code of the State of Montana, relating to fees and mileage of jurors and witnesses, respectfully report the same back to the House with the following amendment:—That wherever the words "ten cents" occur, be stricken out and the words "five cents" be inserted, and recommend that as amended the bill do pass."

On motion of C. H. Bray, report adopted and bill placed on general orders.

Also, "Mr. Speaker:—Your Committee on Ways & Means to whom was referred Senate Bill No. 40, a bill for an act to amend sections 3860 and

3866 of Article 2, Chapter 8, Title 3, of the Political Code of Montana, relating to collection of property tax, as amended by House Bill No. 49, Session Laws of 1899, also to amend sections 3867, 3868, 3871, 3872, 3873 and 3908, of Article 2, Title 3, of the Political Code of Montana, respectfully report the same back to the House with the recommendation that it be not concurred in."

On motion of Story, report adopted. Bill non-concurred in.

By Wilson:—"Mr. Speaker: Your Committee on Engrossment to whom was referred House Bills Nos. 166 and 12, beg leave to report them as correctly engrossed.

Also, "Mr. Speaker:—Your Committee on Engrossment, to whom was referred House Bill No. 31, beg leave to report it as correctly engrossed."

By Buchanan: "Mr. Speaker: Your Committee on Printing begs leave to report House Bills Nos. 236, 174, 113, 244, 229, 132 and H. J. M. No. 7, as having been returned correctly printed."

By Faust: "Mr. Speaker: We, your Committee on Federal Relations, to whom was referred House Joint Resolution No. 2, beg leave to report that we have had same under consideration and recommend that the following substitute be adopted."

On motion of Faust, report adopted, and Substitute bill ordered printed.

By Conner: "Mr. Speaker: Your Committee on Appropriations have considered House Bill No. 4, an act to repeal section 4064 of the Political Code of the State of Montana, relating to licenses, and report same back with the recommendation that it be indefinitely postponed.

Also, your committee have considered House Bill No. 5, an act to repeal section 4072 of the Political Code of the State of Montana, relating to licenses on professional men, and report same back with the recommendation that it be indefinitely postponed."

Miller made the following minority report:

"Mr. Speaker:—As a Minority of the Committee on Appropriations, I recommend that House Bill No. 4 do pass for the following reasons:

The merchant pays taxes on his stock of goods, and in addition is required to pay a license to do business—tax on enterprise—and it would be as just to require the stockman, the farmer or any enterprise to pay a license, and the only excuse for imposing this additional tax is that the state needs the money, an excuse the men who held up the train near Butte could offer, viz: they knew it was wrong, but they needed the money, and the great State of Montana has set them the example.

Also, as a minority report of the Committee on Appropriations, I recommend that House Bill No. 5, relating to licensing of professional men, do pass for the following reasons:

It is an unjust tax levied on men who in order to fit themselves for their profession have had to spend large sums of money, without in the meantime being able to earn a livelihood as do men engaged in learning to become engineers, miners, bank presidents, cashiers, etc., and the tax is unjust in that the man who earns but \$500 has to pay as much as the man who earns \$10,000 or \$15,000 a year, and I believe it is class legislation of the worst sort, and if one class pay in addition to their other taxes for the privileges of following their professions, all other classes should do the same. In addition, these men are required to undergo an examination for which they have to pay at least \$25, and many of them do a vast amount of charitable work which no other class have to do."

Dwight moved to accept the majority report.

Word moved, as an amendment, to adopt the minority report—Lost. Original motion carried.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Wilson of Cascade:—H. B. No. 290. An act to prohibit betting or gambling by wire or telegraph, and to prohibit pool rooms where betting or gambling by wire or telegraph is carried on.

By Miles:—H. B. No. 291. A bill for an act entitled an act to protect employees in certain rights relating to company boarding houses and providing a penalty for the violation thereof.

By Faust by request: H. B. No. 292. A bill for an act to amend section 2530 of the Code of Civil Procedure.

By Self: H. B. No. 293. A bill for an act to amend section 1096 of the Penal Code, relating to cruelty to animals.

Also, H. B. No. 294. A bill for an act to amend section 1861 of the Code of Civil Procedure, relating to costs.

By MacGinniss: H. B. No. 295. A bill for an act to require newspapers to print certain information for the public.

The Committee on Irrigation, by unanimous leave, were granted leave of absence from to-night's session.

READING OF HOUSE BILLS AND RESOLUTIONS.

House Joint Resolution No. 3, read and referred to Committee on Immigration.

S. B. No. 31, read first and second times, and referred to Committee on Fish & Game.

H. B. No. 290, read first and second times, and referred to Committee on Judiciary.

H. B. No. 291, read first and second times, and referred to Committee on Labor.

H. B. No. 292, read first and second times, and referred to Committee on Judiciary.

H. B. No. 293, read first and second times, and referred to Committee on Judiciary.

H. B. No. 294, read first and second times, and referred to Committee on Judiciary.

H. B. No. 295, read first and second times, and referred to Committee on Judiciary.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that Senate Bills Nos. 48 and 66 were read third time and passed, and are herewith transmitted for your concurrence.

That House Bill No. 15 was third time and concurred in, and is herewith returned."

X. K. STOUT, Secretary."

Senate Bills Nos. 48 and 66 placed on file.

House Bill No. 15 ordered enrolled.

Everett, by leave, introduced the following:

"Resolved that the Committee on Irrigation and Water Rights be and is hereby authorized to employ counsel and a stenographer to aid and prosecute in the investigation heretofore authorized into the affairs of the State Arid Land Grant Commission, and for such purpose to expend not to exceed the sum of Three Hundred Dollars, to be paid out of the funds available for the use of the House, on the order of the Chairman of said Committee."

On motion of Sales, the rules were suspended and the resolution adopted.

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that notices of the introduction of bills were given as follows:—

By Kennedy:—A bill for an act to amend section 4233 of the Political Code, relating to county printing.

By Mahon:—A bill for an act entitled an act to amend section 5117 Part 4, Title 3, Chapter 8, Article 2, of the Political Code, relating to the disposal of lots by the Trustees of Townsites.

Also, the following bills were introduced and read first and second times:

S. B. No. 88, by Hoffman. A bill for an act to amend section 908 of Chapter 1, Title 8, Part 4, Division 1, of the Civil Code of Montana.

S. B. No. 89, By Hoffman. A bill for an act entitled an act to appoint an entomologist of the Experiment Station, State Entomologist, and appropriating money to pay his travelling expenses.

S. J. M. No. 5, By Whipple, by request. With reference to representation work on mining claims.

X. K. STOUT, Secretary."

The following message was received from the Governor:

"February 16th, 1903.

To the Speaker of the House of Representatives, House of Representatives,
Helena, Montana.

Sir:—I have the honor to inform you that I have approved the following bills:

House Bill No. 50. An act entitled an act to amend sections 6 and 7 of an act to provide for the appointment of a Board of Sheep Commissioners, and to define their powers and duties, approved March 5th, 1897.

House Bill No. 75, an act to amend section No. 1123 of the Penal Code of the State of Montana, relating to the dumping of refuse in streams.

Also, I have the honor to transmit herewith, together with all papers relating thereto, the following deficiency claims not paid by the State Board of Examiners for want of funds, account sundry state officers, \$56.45, account maintenance Capitol building, \$24.60, Total \$81.05.

J. K. TOOLE, Governor."

Referred to Committee on Appropriations.

THIRD READING OF BILLS.

House Bill No. 12, read third time and passed by the following vote:—

Ayes: Allen, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Bever, Brownlee, Burt, Conner, Dwight, Everett, Faust, Gangner, Giltinan, Harrison, Hilman, Johnson, King, Lancaster, Lanstrum, Linderman, McCone, MacGinniss, Noble, O'Keefe, Rice, Sales, Schwend, Stadler, Story, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Williams, Wilson of Lewis and Clarke, Word—38.

Nays: Arthur, Axtell, Buchanan, Dempster, Downey, Farmer, Flaherty, Graham, Hefferlin, Hilger, Lienemann, Lynch, Martin, Mullins, MacDonald, Owen, Pearson, Pelletier, Shannon, Stapleton, Swindlehurst, Whiteley, Wilson of Cascade, Wood, Woodworth and Mr. Speaker—26.

House Bill No. 166, read third time and passed by the following vote:

Ayes:—Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Bever, Brownlee, Buchanan, Cannon, Conner, Dempster, Downey, Dwight, Farmer, Faust, Flaherty, Gangner, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lienemann, Linderman, Lynch, Martin, Miles, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pearson, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, and Mr. Speaker—62.

Nays:—Word—1.

Senate Bill No. 23, read third time and concurred in by the following vote:—

Ayes:—Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Bever, Brownlee, Buchanan, Cannon, Dempster, Downey, Dwight, Flaherty, Gangner, Giltinan, Graham, Harrison, Hilman, Johnson, Lancaster, Lanstrum, Lienemann, Linderman, Lynch, Martin, Mullins, McCone, MacDonald, MacGinniss, O'Keefe, Owen, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Story, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Mr. Speaker—50.

Nays, None.

Senate Bill No. 30, read third time and concurred in by the following vote:

Ayes:—Allen, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Downey, Farmer, Flaherty, Giltinan, Graham, Harrison, Hilman, King, Lanstrum, Lehsou, Lienemann, Linderman, Miles, McCone, MacDonald, O'Keefe, Owen, Pearson, Pelletier, Sales, Self, Schwend, Shannon, Stapleton, Story, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Wilson of Cascade, Wilson of Lewis and Clarke, Mr. Speaker—43.

Nays:—Conner, Faust, Gangner, Hefferlin, Hilger, Johnson, Lancaster,

Martin, Mullins, MacGinniss, Noble, Stadler, Swindlehurst, Williams, Woodworth—15.

Martin was excused from attendance until Thursday morning.

Hilger moved to take a recess until two o'clock P. M. Lost.

GENERAL ORDERS.

The House resolved itself into a Committee of the Whole.

Lanstrum in the chair.

House resumed.

Mr. Speaker in the chair.

Lanstrum from Committee of the Whole, made the following report:

"Mr. Speaker:—Your Committee of the Whole, beg leave to report that they have had under consideration House Bills Nos. 195, 156 and 189, and recommend as follows:

1st. House Bill No. 195, they recommend that the enacting clause be stricken out.

2nd. House Bill No. 156, they recommend that it do pass.

3rd. House Bill No. 189, they recommend that the enacting clause be stricken out."

Report adopted.

House Bill No. 156 ordered engrossed.

On motion of Dempster, at 12 M. the House took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

House re-assembled at 2 o'clock P. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

Self, by leave, made the following report:

"Mr. Speaker:—Your Committee on Judiciary to which was referred Senate Bill No. 38, a bill for an act entitled an act to amend section 402 of the Code of Civil Procedure, and to confer upon the Supreme Court exclusive jurisdiction of proceedings and prosecutions for the disbarment or suspension of attorneys and counsellors at law; to provide for appeals to the Supreme Court from judgments rendered by District Courts in such cases; to provide for a stay of such judgments, pending appeals therefrom, and to regulate the procedure on the trial of such appeals, begs leave to report that it has had the same under consideration, and reports said bill back to the House with the recommendation that it be amended as follows:

1. At the end of section 1, after the word "turpitude", add the following words: "provided, however, that the provisions of this section shall not abate any proceedings now pending, but the same may be proceeded with until determination in the court wherein such action is pending."

2nd. And after the word "before" in line 2 of Section 2, add the words "or after"; and with the further recommendation that as so amended, the bill be concurred in."

"JAMES M. SELF, Chairman,
THOS. M. EVERETT,
HARRY A. VAGG,
GEO. McCONE,
CHAS. F. WORD,
HENRY J. FAUST,
ROBT. BROWNLEE,
GUY W. STAPLETON,
CHAS. W. DEMPSTER."

On motion of Faust, report adopted, and bill placed on General Orders.

Brownlee, by leave, introduced the following.

"Mr. Speaker:—Your Committee on Townships & Counties to whom was referred House Bill No. 275, a bill for an act entitled an act to create the

County of Bear Paw, to define its boundaries, to provide for its organization and government; and to alter the boundaries of Choteau County, having had under consideration, beg leave to report same back to the House with the recommendation that it do pass.

Bill ordered printed.

Faust made the following report:—

"Mr. Speaker:—Your Journal Committee beg leave to report that they have examined the journal for the 43rd day of this session, and find the same correct."

GENERAL ORDERS.

House resolved itself into Committee of the Whole.

Lanstrum in the chair.

House resumed.

Mr. Speaker in the chair.

Lanstrum reported as follows:

"Mr. Speaker:—Your Committee of the Whole beg leave to report that they have had under consideration House Bills Nos. 186, 87 and H. J. M. No. 6, and beg leave to recommend as follows:

1st. H. B. No. 186, they recommend that it do pass.

2nd, Substitute House Bill No. 87, they recommend that it do pass.

3rd, H. J. M. No. 6, they recommend that it do pass."

Report adopted.

House Bill No. 186, Substitute House Bill No. 87 and H. J. M. No. 6 ordered engrossed.

House resolved itself into Committee of the Whole.

Lanstrum in the chair.

House resumed.

Mr. Speaker in the chair.

Lanstrum made the following report:

"Mr. Speaker:—Your Committee of the Whole beg leave to report that they have had under consideration Senate Bills Nos. 13, 16 and 7, and recommend as follows:

1st. Senate Bill No. 13—that they have amended the same and recommend that it be concurred in as amended.

2nd. Senate Bill No. 16—they recommend that the enacting clause be stricken out.

3rd. Senate Bill No. 7—They recommend that it be concurred in.

Report adopted.

Senate Bills Nos. 13 and 7 placed on third reading.

Senate Bill No. 16 indefinitely postponed.

House resolved itself into Committee of the Whole.

Lanstrum in the chair.

House resumed.

Mr. Speaker in the chair.

Lanstrum reported as follows:

"Mr. Speaker:—Your Committee of the Whole beg leave to report that they have had under consideration House Bills Nos. 118, 207 and 208, and recommend as follows:

1st. House Bill No. 118—we recommend that the bill do pass.

2nd. House Bill No. 207—we recommend that the bill do pass.

3rd. House Bill No. 208—we recommend that the bill do pass.

Report adopted.

House Bills Nos. 118, 207 and 208 ordered engrossed.

House resolved itself into Committee of the Whole.

Lanstrum in the chair.

House resumed.

Mr. Speaker in the chair.

Lanstrum reported as follows:

"Mr. Speaker:—Your Committee of the Whole beg leave to report that they have had under consideration House Bills Nos. 209, 210 and 211, and recommend as follows:

1st. House Bill No. 209—we recommend that it do pass.

2nd. House Bill No. 210—we recommend that it do pass.

3rd. House Bill No. 211—we recommend that it do pass.”

Report adopted.

House Bills Nos. 209, 210 and 211 ordered engrossed.

On motion of Conner the rules were suspended and the House went into Committee of the Whole, on House Bills Nos. 212, 213, 214, 215, 216 and 217.

Lanstrum in the chair.

House resumed. Mr. Speaker in the chair.

Lanstrum reported as follows:

“Mr. Speaker:—Your Committee of the Whole beg leave to report that they have had under consideration House Bills Nos. 212, 213, 214, 215, 216 and 217, and recommend that they do pass.” Report Adopted.

House Bills Nos. 212, 213, 214, 215, 216 and 217 ordered engrossed.

On motion of Conner, the rules were further suspended and the House resolved itself into Committee of the Whole, for consideration of House Bills Nos. 218, 219, 220, 221, 222, 223, 224, 225, 226, and 227. Lanstrum in the chair.

House resumed. Mr. Speaker in the chair.

Lanstrum reported as follows:

“Mr. Speaker:—Your Committee of the Whole beg leave to report that they have had under consideration House Bills Nos. 218, 219, 220, 221, 222, 223, 224, 225, 226 and 227, and recommend that they do pass.” Report adopted.

House Bills Nos. 218, 219, 220, 221, 222, 223, 224, 225, 226 and 227 ordered engrossed.

On motion of King, the rules were suspended, House Bills Nos. 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, and 227, were considered engrossed, read by title only, and placed upon their final passage; and were declared passed by the following vote:

Ayes:—Arthur, Bray of Rosebud, Beaudry, Buchanan, Cannon, Conner, Dwight, Everett, Faust, Flaherty, Gangner, Graham, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Lynch, Miller, Morrissey, McCone, MacGinniss, O’Keefe, Pelletier, Rice, Sales, Self, Schwend, Stadler, Stapleton, Sykes, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—46.

Nays, None.

Tooley made the following report:

“Mr. Speaker:—Your Committee on Enrollment reports House Bill No. 15, an act to amend section 2528 of the Political Code of Montana, pertaining to the pensions of the inmates of the Soldiers Home as correctly enrolled.”

Mr. Speaker announced that he was about to sign House Bill No. 15.

On motion of King, the rules were suspended and the House resolved itself into Committee of the Whole, on Senate Bills Nos. 11 and 24, and House Bills Nos. 97, 159 and 81. Lanstrum in the chair.

House resumed. Mr. Speaker in the chair.

Lanstrum reported as follows:

“Mr. Speaker:—Your Committee of the Whole beg leave to report that they have had under consideration Senate Bills Nos. 11 and 24, and House Bills Nos. 97, 159 and 81, and report and recommend as follows:

1st. Senate Bill No. 11—that they have amended the same and recommend that it be not concurred in.

2nd. Senate Bill No. 24—recommend that it be concurred in.

3rd. House Bill No. 97—that they have amended the same and recommend that it do pass as amended.

4th. House Bill No. 159—recommend that it do pass.

5th. House Bill No. 81—recommend that it do pass.

House Bills Nos. 97, 159 and 81 ordered engrossed.

Senate Bill No. 24 placed on third reading.

Senate Bill No. 11 non-concurred in.

On motion of Story the rules were suspended and the House resolved itself into Committee of the Whole on Senate Bills Nos. 15, 14, 5, 28 and Senate Joint Memorial No. 1. Lanstrum in the chair.

House resumed. Mr. Speaker in the chair.

Lanstrum reported as follows:—

"Mr. Speaker:—Your Committee of the Whole beg leave to report that they have had under consideration Senate Bills Nos. 15, 14, 5, 28 and Senate Joint Memorial No. 1, and recommend as follows:

- 1st. Senate Bill No. 15—we recommend that it be concurred in.
- 2nd. Senate Bill No. 14—we recommend that it be concurred in.
- 3rd. Senate Bill No. 5—we recommend that it be concurred in.
- 4th. Senate Bill No. 28—we recommend that it be concurred in.
- 5th. Senate Joint Memorial No. 1—we recommend that it be concurred in."

Report adopted.

Senate Bills Nos. 15, 14, 5, 28, and Senate Joint Memorial No. 1 placed on third reading.

Conner moved to take a recess until 7.30 P. M.—Carried.

At 4.45 P. M. the House took a recess until 7.30 P. M.

EVENING SESSION.

House re-assembled at 7.30 o'clock P. M.

Mr. Speaker in the chair.

Roll called—quorum present.

Allen gave notice that on to-morrow he would move for a reconsideration of the vote by which House Bill No. 268 was indefinitely postponed.

Tooley gave the following notice:

"Mr. Speaker:—Your Committee on Enrollment have selected Miss Maggie Sullivan and A. C. Grande as clerks, and ask for their confirmation."

On motion of Lynch, the appointments were confirmed.

House resolved itself into Committee of the Whole. Lanstrum in the chair.

House resumed. Mr. Speaker in the chair.

Lanstrum reported as follows:

"Mr. Speaker:—Your Committee of the Whole beg leave to report that they have had under consideration House Bills Nos. 139 and 90, and Senate Joint Memorial No. 2, and recommend as follows:

- 1st. House Bill No. 139—we recommend that it do pass.
- 2nd. S. J. M. No. 2, we recommend that it be concurred in.
- 3rd. House Bill No. 90—we recommend that it do pass.

Report adopted.

House Bills Nos. 139 and 90 ordered engrossed.

S. J. M. No. 2 placed on third reading.

Word gave notice that on to-morrow he would move a reconsideration of the vote by which House Bill No. 12 was passed.

On motion of Beaudry, the House resolved itself into Committee of the Whole, for consideration of House Bills Nos. 175, 25, 204, 179, 196, 115, 76, 162, 177, and Senate Bill No. 29, and House Joint Resolution No. 1. Lanstrum in the chair.

House resumed. Mr. Speaker in the chair.

Lanstrum offered the following:—

"Mr. Speaker:—Your Committee of the Whole beg leave to report that they have had under consideration House Bills Nos. 175, 25, 204, 179, 196, 115, 76, 162, 177, Senate Bill No. 29, and House Joint Resolution No. 1, and recommend as follows:—

1st. House Bill No. 175—recommend that the enacting clause be stricken out.

2nd. House Bill No. 25—recommend that it pass.

3rd. Substitute House Bill No. 204—that they have amended the same, and recommend that it do pass as amended.

4th. Senate Bill No. 29—that they recommend that the bill be recommended to the Committee on Fish and Game.

5th. Substitute for House Bill No. 179—we recommend that the enacting clause be stricken out.

6th. House Bill No. 196—we recommend that it be re-referred to Committee on Appropriations.

7th. H. J. R. No. 1—we recommend that it do pass.

8th. Substitute for House Bill No. 115—we recommend that it do pass.

9th. House Bill No. 36—we recommend that it do pass.

10th. Substitute for House Bill No. 162—we recommend that the enacting clause be stricken out.

11th. House Bill No. 177—we recommend that it do pass."

Report adopted, except on House Bill No. 179, which was recommitted to the Committee of the Whole.

House Bill No. 25, Substitute for House Bill No. 204, Substitute House Bill No. 115, House Bill No. 76, House Bill No. 177, ordered engrossed.

House Bills Nos. 175 and 162, the enacting clause stricken out.

House Joint Resolution No. 1 ordered engrossed.

Senate Bill No. 29, recommitted to Committee on Fish and Game.

House Bill No. 196 recommitted to Committee on Appropriations.

Lanstrum moved that when the House adjourns it do adjourn until 10 o'clock A. M. to-morrow—Carried.

On motion of Miller the House adjourned at 9.35 P. M.

B. F. WHITE,
Speaker.

NATHAN GODFREY,
Chief Clerk.

FORTY-FIFTH DAY

Wednesday, February 18th, 1903.

House met at 10 o'clock A. M., pursuant to adjournment.

Mr. Speaker in the chair.

Roll called, all members present, except Owen, excused.

Prayer by the Chaplain.

A communication was received from the Fraternal Order of Eagles, extending an invitation to the Legislature to visit Great Falls.

Several petitions were received from citizens of Montana, asking for repeal of Section 2185, Title 2, of Civil Code, which requires a contract for the sale of real estate on commission to be in writing.

NOTICES OF BILLS.

The following notices were given:

By Miller:—A bill for an act to repeal section 4018, and amending section 4602 of the Political Code of the State of Montana, relating to assessors.

Also, A bill for an act to amend section 6 of an act of the Seventh Legislative Assembly, entitled an act creating a State Board of Health, defining its powers and duties and providing for the compensation of its officers, and providing for the enforcement of the rules and regulations of said Board.

By Story:—A bill for an act defining the duties of the Warden of the Penitentiary, requiring him to execute all judgments for the infliction of capital punishment, and providing that he shall receive no extra compensation therefor.

By Conner:—A bill for an act to prevent train robbery and train wrecking, and prescribing punishment for violation thereof.

By Tooley:—A bill for an act exempting from taxation and excepting from assessment all lands occupied by county roads.

REPORTS OF STANDING COMMITTEES.

The following reports were made:

By Wilson of Cascade:—"Mr. Speaker:—Your Committee on Engrossment begs leave to announce the necessity of extra clerical assistance, and re-

spectfully request the concurrence of the House in our appointment of Nellie Morse, to date from February 17th."

Report adopted.

Also, "Mr. Speaker:—Your Committee on Engrossment to whom was referred House Bills Nos. 186, 156, Substitute House Bill No. 87, H. J. M. No. 6, corrected Substitute for House Bills Nos. 2, 11 and 14, House Bills Nos. 6 and 161, beg leave to report them as correctly engrossed."

By Graham:—"Mr. Speaker:—Your Committee on Labor to whom was referred Senate Bill No. 17, introduced by Maddox, entitled, a bill for an act to extend and regulate the liability of employers and to make compensation for personal injuries or death resulting to employes either from employer's negligence or the negligence of some of the employer's other employees, servants or agents, beg leave to report that they have had same under consideration and report the same back with the recommendation that the same be indefinitely postponed." On motion of King, report adopted and bill indefinitely postponed.

Also, "Your Committee on Labor to whom was referred House Bill No. 291, introduced by Miles, entitled a bill for an act to protect employees in certain rights relating to company boarding houses, and providing a penalty for the violation thereof, beg leave to report that they have had same under consideration, and report the same back with the recommendation that same do pass."

Bill ordered printed.

By Buchanan:—"Mr. Speaker:—Your Committee on Printing begs leave to report House Bills Nos. 243, 263, 201, 167, 203, 152, 120, Substitute for House Bill No. 56, and Substitute for House Bills Nos. 100 and 116, as having been returned correctly printed."

By Johnson:—"Mr. Speaker: Your Committee on Fairs and Expositions to whom was re-referred Substitute for House Bills No. 158 and 163, a bill for an act entitled an act providing for the establishment of a Montana State Fair, for the appointment of a Board of Directors, Executive Committee and other officers, for the conduct and management thereof, and appropriating money therefor, having had same under consideration, report same back to the House with the recommendation that the Substitute bill as originally presented do pass."

Placed on General Orders.

By Hilman: "Mr. Speaker: Your Committee on Military Affairs, to whom was re-referred House Bill No. 284, a bill for an act entitled an act for the issuance of licenses to honorably discharged soldiers, sailors and marines of military and naval service of the United States in the late war of the rebellion, who shall engage in the business of a merchant or store-keeper, beg leave to report the same back to the House with the recommendation that it do pass with the following amendment: Insert the words "except the sale of liquor" after the word "store-keeper" in Section 1."

On motion of Self, report adopted and bill ordered printed.

By Story: "Mr. Speaker: Your Committee on Education to whom was referred Substitute for House Bill No. 68, an act to amend sections 1715 of the Political Code of the State of Montana relating to the clerk of the Superintendent of Public Instruction, respectfully report the same back to the House with the recommendation that it do pass."

Bill ordered printed.

By majority of Committee on Corporations Other Than Municipal:—"Mr. Speaker: We, a majority of your Committee on Corporations Other Than Municipal, having had under consideration House Bill No. 246—an act compelling the city councils and other municipal governing bodies of the cities and towns of the State of Montana to annually fix the rates to be charged the public within their jurisdictions for gas, water, electric light, electric power and for telephone and street car fares, and fixing penalties for any overcharge of such fixed rates, beg leave to report the same back to the House with the recommendation that it be indefinitely postponed.

We further recommend that the substitute in lieu of original bill as offered by a minority of the committee be likewise indefinitely postponed."

Signed, LINDERMAN,
KING,
BROWNLEE,
DAVIS GRAHAM,
O. M. LANSTRUM."

By minority of Committee on Corporations other than Municipal: "Mr. Speaker: As a minority of your Committee on Corporations other than Municipal, to whom was referred House Bill No. 246—an act compelling the city councils and other municipal governing bodies of the cities and towns of the state of Montana, to annually fix the rates to be charged the public within their jurisdiction, for gas, water, electric light, electric power and for telephones and street car fares, and fixing penalties for an overcharge of such fixed rates—we would respectfully submit a substitute in lieu of the original bill and recommend that said substitute do pass."

Signed, L. E. BEAUDRY,
J. H. LYNCH.

Everett moved the adoption of the majority report, upon which a division was called for—Ayes 40, Nays 19. Report adopted.

House Bill No. 246 and Substitute Bill indefinitely postponed.

By a majority of the Committee on Corporations other than Municipal: "Mr. Speaker: We, a majority of your Committee on Corporations other than Municipal, having had under consideration House Bill No. 248—an act providing for the filing with the city clerk of all cities and towns in Montana, a sworn statement once a year by all owners or operators of all public utilities doing business therein, showing the total itemized investment, total income, with the sources thereof, together with a detailed account of all actual expenses for the current fiscal year, with the total net profits for same year, and that all such statements shall be sworn to by the owner, operator, superintendent, general manager, or person in charge of such public utilities, and such statement shall be published at least once in some newspaper published in such city or town, or if no newspaper be published in such city or town, then in a newspaper published in the city or town nearest the place where the said public utility is operated, and providing a penalty for the non-compliance—beg leave to report the same back to the House with the recommendation that it be indefinitely postponed."

Signed, LINDERMAN, Chairman,
KING,
ROBT. BROWNLEE,
DAVIS GRAHAM,
O. M. LANSTRUM."

By a minority of the Committee on Corporations other than Municipal: "Mr. Speaker: As a minority of your Committee on Corporations other than Municipal, to whom was referred House Bill No. 248—a bill for an act providing for the filing with the city clerk of all cities and towns in Montana, a sworn statement once a year by all owners or operators of all public utilities doing business therein, showing the total itemized investment, total income with the sources thereof, together with a detailed account of all actual legitimate expenses, for the current fiscal year, with the total net profits for same year, and that all such statements shall be sworn to by the owner, operator, superintendent, general manager or person in charge of such public utilities, and such statement shall be published, at least once in some newspaper published in such city or town, or if no newspaper be published in such city or town, then in a newspaper published in the city or town nearest the place where the said public utility is operated, and providing for a penalty for the non-compliance—we would respectfully recommend that said bill pass."

Signed, J. H. LYNCH,
L. E. BEAUDRY."

Dempster moved the adoption of the minority report—Lost.

Linderman moved the adoption of the majority report—Report adopted.

Lynch moved that the bills be ordered printed as a courtesy.

Graham moved to lay the motion on the table—Ayes 29, Nays 27—Motion Lost.

Motion to print carried—Ayes 33, Nays 19.

By Linderman: "Mr. Speaker: Your Committee on Corporations other than Municipal, to which was referred House Bill No. 254, a bill for an act entitled an act to provide for the payment of employees semi-monthly by corporations and other employers of labor in cities having a population of Five thousand and over and within a radius of three miles thereof, and providing a penalty for the violation thereof—begs leave to recommend the following amendment:—That after the last word in Section 1 the following to be inserted: "This act shall not apply to steam railways operating in the State of Montana"; and reports the same back to the House with the recommendation that it do pass as amended."

Report adopted and bill ordered printed.

Also: "Mr. Speaker: Your Committee on Corporations other than Municipal, having had under consideration House Bill No. 19, a bill for an act relating to persons combining and encouraging other persons to combine, beg leave to report same back to the House with the recommendation that it be indefinitely postponed, for the reason that said bill does not meet with the approval of the Butte Miners Union."

On adoption of report of Committee, division called for—Ayes 14, Nays 32. Report rejected.

On motion of Lanstrum, bill was recommitted to Committee on Corporations other than Municipal.

By Lanstrum: "Mr. Speaker: Your Committee on Ways & Means to whom was referred House Bill No. 281, a bill for an act entitled an act to license sleeping, chair, drawing-room and parlor cars, and to regulate the operation thereof within this state, respectfully report the same back to the House with the recommendation that it be indefinitely postponed, by request of Mr. Faust, who informs the committee that a similar bill has been introduced in the Senate."

On motion of Webb, report adopted and bill indefinitely postponed.

On motion of Lanstrum, the vote to adopt was reconsidered—Ayes 31, Nays 10.

The question recurring upon the adoption of the report, report adopted and bill indefinitely postponed.

By Lanstrum: "Mr. Speaker: Your Committee on Ways & Means to whom was referred House Bill No. 282, a bill for an act to amend section 4066 of the Political Code of the State of Montana, as amended by the Session Laws of the Fifth Legislative Assembly, relating to licensing of peddlers, hawkers and traveling merchants, respectfully report same back to the House with the recommendation that it be indefinitely postponed."

On motion of Cannon, report adopted and bill indefinitely postponed.

By Lanstrum: "Mr. Speaker: Your Committee on Ways & Means to whom was referred House Bill No. 283, a bill for an act making it a misdemeanor for state officers, Boards of Managers, Board of Education, State Board of Health, Trustees, or Board of Commissioners of state institutions, except for State Prison and Insane Asylum, to incur any expense beyond the amount appropriated therefor, and providing penalties for the violation thereof, respectfully report the same back to the House with the recommendation that it do pass."

Bill ordered printed.

Also: "Mr. Speaker: Your Committee on Ways & Means to whom was referred House Bill No. 280, a bill for an act providing for the licensing of any person engaging in or engaged in any occupation, personal or calling in the State of Montana, not enumerated in the license laws of the state, and for licensing of certain unmarried persons, providing for the collection of such license, respectfully report the same back to the House without recommendation."

On motion of Conner, the further consideration of the bill indefinitely postponed.

Also: "Mr. Speaker: Your Committee on Ways & Means to whom was referred House Bill No. 285, an act to regulate and license gambling by faro, roulette, poker, craps, and nickle-in-the-slot machines, and to prevent

sure-thing games, and repealing an act of the Seventh Regular Session of the Legislative Assembly of the State of Montana, approved March 15th, 1901, entitled an act to prohibit gambling within the State of Montana, and to provide penalties for violation of this act, and repealing an act of the Fifth Regular Session of the Legislative Assembly of the State of Montana, approved March 4th, 1897, and entitled an act to prohibit gambling within the State of Montana, and to provide penalties for the violation of the provisions thereof, and to provide for the enforcement thereof, and to repeal all laws in conflict with the same, respectfully report the same back to the House without a recommendation."

Moved by Conner that the bill be indefinitely postponed—Ayes 14, Nays 45—Lost.

On motion of Lanstrum, the bill was ordered printed.

Also: "Mr. Speaker: Your Committee on Ways & Means to whom was referred House Bill No. 272, an act creating Pioneer Day, respectfully report the same back to the House with the recommendation that it do pass."

Bill ordered printed.

Also: "Mr. Speaker:—Your Committee on Ways & Means to whom was referred House Bill No. 262, a bill for an act to amend sections 4 and 8 of an act to provide for the licensing of insurance companies, associations and societies, doing business in the State of Montana, respectfully report the same back to the House with the recommendation that it do pass."

Bill ordered printed.

Hilger, by unanimous leave, moved that House Bill No. 157 be referred to the Committee on Live Stock and Public Ranges and taken from the Committee on State Lands. Carried.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Corporation Committee: H. B. No. 296. An act to amend section 410 of the Political Code of Montana, as amended by an act entitled a bill for an act to amend section 410 of the Political Code of Montana, relating to the fees of the Secretary of State.

By Swindlehurst: H. B. No. 297. A bill for an act requiring foreign surety companies engaged in business in this state to deposit securities with the State Treasurer, and to amend sections 1 and 6 of the act of the Legislative Assembly, approved February 24th, 1899.

By Committee on Ways & Means: H. B. No. 298. A bill for an act to amend section 3828 of the Political Code, relating to liens for personal property tax.

Also: H. B. No. 299. A bill for an act to amend sections 3940, 3941, 3946 and 3947, Part 3, Title 10, Chapter 9, of the Political Code of the State of Montana, relating to the collection of taxes on certain personal property.

By Vagg: H. B. No. 300. A bill for an act to protect the ranges from fires along the right of way of railroads and to provide a penalty for the violation of this act.

By Allen: H. B. No. 301. A bill for an act to designate the kind of tax notice to be sent out by the County Treasurer.

By Conner: H. B. No. 302. A bill for an act entitled an act to enable the State Auditor to purchase 25,000 state maps in folder form for free distribution, and making an appropriation for the payment thereof.

By Hefferlin: H. B. No. 303. A bill for an act to regulate the adjustment of fire losses.

MOTIONS & RESOLUTIONS.

King moved that when the House take a recess it be until 3 o'clock P. M.—Carried.

By Committee on Rules: "Mr. Speaker: Your Committee on Rules and Joint Rules respectfully recommend that House Rule No. 60 be amended by adding thereto a section to be known as Section 3, said section to read as follows:

"Section 3. No bill, excepting as provided in Article 5, Section 21, of the constitution of the State of Montana, shall be introduced within ten days of the close of the session, except by unanimous consent of the House." Adopted.

By Shannon: "Mr. Speaker: I move that the Committee on Mines &

Mining be requested to report on to-morrow morning. House Bill No. 150." Carried.

By Allen: "Mr. Speaker:—According to previous notice, I move that the vote whereby House Bill No. 268 was indefinitely postponed, be reconsidered."

The question recurring upon the reconsideration of the vote, the motion was lost.

By Lanstrum: "Mr. Speaker: I move you that the Committee on State Boards and Officers be instructed to report on House Bill No. 194"—Carried.

On motion of Conner, at 11.50 A. M., the House took a recess until 3 o'clock P. M.

AFTERNOON SESSION.

House re-assembled at 3 o'clock P. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

Mr. Speaker announced that he was about to sign Senate Bills Nos. 23 and 20.

Tooley made the following report:

"Mr. Speaker: Your Committee on Enrollment report that H. B. No. 15, an act to amend section 2528 of the Political Code of Montana, pertaining to the pensions of the inmates of the Soldiers Home, was delivered to His Excellency, the Governor at 3 P. M., Feb. 18, 1903."

By Bray of Lewis and Clarke: "Mr. Speaker: I move to reconsider the vote by which the House refused not to concur in Senate Bill No. 11." Seconded by Stapleton—Carried.

The question recurring upon the recommendation of the Committee of the Whole, that it be not concurred in, a division was called for—Ayes 9. Nays 44—Recommendation rejected.

Allen moved that it be ordered engrossed.

Dwight moved that it be placed on General Orders—Carried.

Faust reported as follows:

"Mr. Speaker: Your Journal Committee beg leave to report that they have examined the Journal for the 44th day of this session and find the same correct."

READING OF BILLS & RESOLUTIONS.

S. B. No. 48, read first and second times, and referred to Committee on Affairs of Cities.

S. B. No. 66, read first and second times, and referred to Committee on Railroads and Transportation.

H. B. No. 296, read first and second times, and referred to Committee on State Boards and Officers.

H. B. No. 297, read first and second times, and referred to Committee on Insurance.

H. B. No. 298, read first and second times, and referred to Committee on Judiciary.

H. B. No. 299, read first and second times, and referred to Committee on Judiciary.

H. B. No. 300, read first and second times, and referred to Committee on Live Stock and Public Ranges.

H. B. No. 301, read first and second times, and referred to Committee on Townships and Counties.

H. B. No. 302, read first and second times, and referred to Committee on State Lands.

H. B. No. 303, read first and second times, and referred to Committee on Insurance.

MESSAGES FROM THE SENATE.

The following messages were received:

"Mr. Speaker: I am directed by the Senate to inform your Honorable body that Senate Bills Nos. 50, 58, 60 and 65 were read third time and passed, and are herewith transmitted for concurrence."

Senate Bills Nos. 50, 58, 60 and 65 placed on file.

Also: "Mr. Speaker:—I am directed by the Senate to inform your Honorable body that H. B. No. 137, H. B. No. 138, H. B. No. 86, H. B. No. 53, H. B. No. 93, H. B. No. 121, H. B. No. 231, and Sub for H. B. No. 88, were to-day read third time and concurred in; and are herewith returned.

That S. B. No. 53 was read third time and passed and is herewith transmitted for your concurrence.

That H. B. No. 96 was not concurred in, and is herewith returned.

That H. B. No. 232, as amended by the Senate, was concurred in, and is herewith transmitted for your concurrence as amended.

House Bills Nos. 137, 138, 86, 53, 93, 121, 231 and Substitute for House Bill No. 88 ordered enrolled.

Senate Bill No. 33 placed on file.

On motion of Miller, amendment to House Bill No. 232 concurred in, and bill enrolled.

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that the following bills were introduced and read first and second times:

Substitute for S. B. No. 82, by Committee on Corporations other than Municipal. A bill for an act entitled an act to amend section 4074 of the Political Code of the State of Montana, relating to licenses for common carriers and express companies.

Senate Bill No. 90, by Joint Committees of Live Stock, Public Ranges, and Fish & Game of the Senate:—A bill for an act entitled an act regulating the carrying of fire arms by indians while off the Indian Reservations.

Also, notice of introduction of bill was given as follows:

By Biggs:—A bill for an act defining the duties of the Warden of the Penitentiary, requiring him to execute all judgments for the infliction of capital punishment, and providing that he shall receive no extra compensation therefor.

X. K. STOUT, Secretary."

NOTICES OF INTRODUCTION OF BILLS.

By Rice, by leave:—A bill for an act classifying counties for the purpose of regulating and fixing the salaries, compensation and penalties of official bonds for county officers.

Also, A bill for an act to amend section 4063 of the Political Code of Montana, as amended, relating to licenses for sale of liquors.

Also, A bill for an act to amend section 4597 of the Political Code of Montana, relating to deputies of county officers.

THIRD READING OF BILLS.

House Bill No. 6 read third time and passed by the following vote:

Ayes: Allen, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Bever, Brownlee, Burt, Cannon, Conner, Downey, Dwight, Everett, Faust, Graham, Harrison, Hefferlin, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Miller, Miles, Mullins, McCone, MacDonald, MacGinniss, Noble, Sales, Self, Stadler, Teal, Tolman, Tooley, Vagg, Webb, Wilson of Cascade, Wilson of Lewis and Clarke, Woodworth, Word and Mr. Speaker—44.

Nays: Arthur, Axtell, Beaudry, Buchanan, Duggan, Flaherty, Gangner, Hilger, Lynch, Morrissey, O'Keefe, Pelletier, Rice, Schwend, Shannon, Stapleton, Swindlehurst, Wood—18.

House Bill No. 161 read third time and passed by the following vote:

Ayes: Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Downey,

Everett, Farmer, Faust, Flaherty, Gangner, Giltinan, Graham, Harrison, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Miller, Miles, Morrissey, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Pelletier, Rice, Sales, Schwend, Shannon, Stadler, Stapleton, Teal, Tolman, Tooley, Vagg, Webb, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Mr. Speaker—56.

Nays: Duggan, Self—2.

Substitute for House Bills Nos. 2, 11 and 14, read third time and passed by the following vote:

Ayes: Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Downey, Duggan, Dwight, Everett, Farmer, Flaherty, Gangner, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, Lancaster, Lanstrum, Lienemann, Linderman, Lynch, Miller, Miles, Morrissey, Mullins, McCone, MacGinniss, Noble, O'Keefe, Pearson, Pelletier, Sales, Self, Schwend, Shannon, Stapleton, Swindlehurst, Teal, Tolman, Tooley, Vagg, Webb, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word, Mr. Speaker—61.

Nays None.

House Bill No. 186, read third time and passed by the following vote:

Ayes: Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Downey, Dwight, Everett, Farmer, Flaherty, Gangner, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lienemann, Linderman, Lynch, Miller, Miles, Morrissey, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Pearson, Pelletier, Rice, Sales, Self, Schwend, Stadler, Stapleton, Swindlehurst, Teal, Tolman, Tooley, Vagg, Webb, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word, Mr. Speaker—60.

Nays None.

House Bill No. 156, read third time and passed by the following vote:

Ayes: Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Downey, Dwight, Everett, Flaherty, Gangner, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lienemann, Linderman, Lynch, Miller, Miles, Morrissey, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Pearson, Pelletier, Rice, Sales, Self, Schwend, Stadler, Stapleton, Swindlehurst, Teal, Tolman, Tooley, Vagg, Webb, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word, Mr. Speaker—59.

Nays, Farmer, Whiteley—2.

Substitute for House Bill No. 187, read third time and passed by the following vote:

Ayes: Bray of Lewis and Clarke, Beaudry, Bever, Brownlee, Buchanan, Burt, Conner, Downey, Dwight, Everett, Farmer, Faust, Flaherty, Gangner, Graham, Harrison, Hefferlin, Johnson, King, Lancaster, Lanstrum, Lienemann, Linderman, Lynch, Miller, Miles, Morrissey, Mullins, McCone, MacDonald, MacGinniss, O'Keefe, Pearson, Rice, Sales, Self, Schwend, Stadler, Stapleton, Swindlehurst, Teal, Tolman, Tooley, Vagg, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Word, Mr. Speaker—50.

Nays: Allen, Arthur, Axtell, Bray of Rosebud, Cannon, Dempster, Duggan, Hilger, Hilman, Noble, Pelletier, Shannon, Webb, Woodworth—14.

House Joint Memorial No. 6, read third time and passed by the following vote:

Ayes: Allen, Arthur, Beaudry, Benson, Brownlee, Burt, Cannon, Dempster, Downey, Farmer, Faust, Flaherty, Gangner, Graham, Harrison, Hilger, Hilman, Johnson, Lancaster, Lienemann, Lynch, Morrissey, Mullins, McCone, MacGinniss, Noble, O'Keefe, Pearson, Pelletier, Rice, Sales, Schwend, Shannon, Stadler, Tolman, Tooley, Whiteley, Wilson of Cascade, Wood, Woodworth, Word and Mr. Speaker—42.

Nays: Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Bever, Conner, Duggan, Giltinan, Lanstrum, Linderman, Miller, Miles, MacDonald, Self, Teal, Vagg, Wilson of Lewis and Clarke—16.

Senate Bill No. 13, read third time and passed by the following vote:

Ayes: Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Burt, Cannon, Conner, Downey, Dwight, Farmer, Faust, Flaherty, Giltinan, Graham, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Miller, Miles, Morrissey, Mullins, McCone, MacDonald, MacGinniss, Noble, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Swindlehurst, Teal, Tolman, Tooley, Webb, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word, Mr. Speaker—56.

Nays: Duggan—1.

Senate Bill No. 28—moved by King, seconded by Wilson of Cascade, bill recommitted to Committee of the Whole.

Senate Bill No. 24, read third time and concurred in by the following vote:

Ayes: Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Brownlee, Burt, Cannon, Conner, Downey, Dwight, Farmer, Faust, Flaherty, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, Lancaster, Lanstrum, Lehsou, Lienemann, Miller, Miles, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Swindlehurst, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word, and Mr. Speaker—54.

Nays: Duggan—1.

Senate Bill No. 15 read third time and concurred in by the following vote:

Ayes: Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Brownlee, Buchanan, Burt, Cannon, Conner, Downey, Duggan, Dwight, Conner, Faust, Flaherty, Giltinan, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Miller, Miles, Morrissey, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Pelletier, Rice, Sales, Self, Stadler, Swindlehurst, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word, Mr. Speaker—57.

Nays: None.

Senate Bill No. 14, read third time and concurred in by the following vote:

Ayes: Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Downey, Duggan, Dwight, Everett, Farmer, Faust, Flaherty, Harrison, Hilger, Hilman, Johnson, Lancaster, Lanstrum, Lehsou, Lienemann, Miller, Miles, Morrissey, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Pelletier, Rice, Sales, Schwend, Stadler, Swindlehurst, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—57.

Nays: None.

Senate Bill No. 5, read third time and concurred in by the following vote:

Ayes: Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Downey, Dwight, Everett, Farmer, Faust, Flaherty, Harrison, Hefferlin, Hilger, Hilman, Johnson, Lancaster, Lanstrum, Lehsou, Linderman, Lienemann, Mullins, Miles, Morrissey, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Pelletier, Rice, Sales, Schwend, Stadler, Stapleton, Swindlehurst, Teal, Tooley, Vagg, Webb, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—56.

Nays: None.

Senate Joint Memorial No. 1, read third time and concurred in by the following vote:

Ayes: Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Conner, Dempster, Downey, Dwight, Everett, Farmer, Faust, Flaherty, Harrison, Hefferlin, Hilger, Hilman, Johnson, Lancaster, Lanstrum, Lehsou, Linderman, Lienemann, Miller, Morrissey, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Pelletier, Rice, Sales, Schwend, Stadler, Swindlehurst, Teal, Tooley, Webb, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word, Mr. Speaker—51.

Nays, None.

Senate Bill No. 7, read third time and concurred in by the following vote:

Ayes: Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Conner, Downey, Everett, Farmer, Faust, Flaherty, Harrison, Hefferlin, Hilger, Hilman, Johnson, Lancaster, Lanstrum, Lienemann, Linderman, Miller, Morrissey, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Pelletier, Rice, Schwend, Stadler, Swindlehurst, Teal, Tooley, Vagg, Webb, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—48.

Nays, None.

Senate Joint Memorial No. 2, read third time and concurred in by the following vote:

Ayes: Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Cannon, Conner, Dempster, Downey, Dwight, Everett, Farmer, Faust, Flaherty, Giltinan, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lienemann, Miller, Morrissey, Mullins, McCone, MacDonald, Noble, O'Keefe, Pelletier, Rice, Self, Schwend, Stadler, Stapleton, Swindlehurst, Teal, Tolman, Tooley, Webb, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—51.

Nays, None.

On motion of Hilger, at 5.30 P. M., the House adjourned.

B. F. WHITE,
Speaker.

NATHAN GODFREY,
Chief Clerk.

FORTY-SIXTH DAY

Thursday, February 19th, 1903.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—all members present except Downey, Duggan, Story—Beaudry and Owen excused.

Prayer by the Chaplain.

The Committee on Irrigation were excused from attendance.

Mr. Speaker submitted the following:

"To the House of Representatives:—Under the provisions of Rule 21 of the Joint rules of the Senate and House of Representatives, I have this day appointed as House members of the Joint Steering Committee provided for in said rule, King, Bever, Cannon, Swindlehurst, Hilger."

"WHITE, Speaker."

A communication was received from the Silver Bow Ministerial Association, protesting against the legalizing of gambling. Placed on file.

NOTICES OF BILLS.

The following notices were given:

By Hefferlin:—A bill for an act empowering cities and towns to provide for a garbage system.

Also: A bill for an act to amend section 45 of an act relating to public improvements in cities and towns.

By Lynch:—A bill for an act to appropriate money for the payment of the claim of J. F. Ladwick, stenographer of the District Court of the Second Judicial District of the State of Montana, account stenographer's fees in preparing transcript of the testimony on statement of motion for a new trial, by Attorney General of the State of Montana, and of the contest of the will in the matter of the estate of Charles Colebert, deceased.

By Beaudry:—A bill for an act fixing the compensation of constables in certain townships.

By Bever:—A bill for an act to amend section 4050 of the Political Code of Montana, relating to the disposition of moneys received from licenses.

By Committee on Affairs of Cities:—A bill for an act entitled an act providing that every person who sells or offers for sale, directly or indirectly, liquors, or wines, must obtain a license therefor, and fixing the amount to be paid therefor.

By Wilson of Cascade:—A bill to regulate what is known as Bucket-shops.

By Linderman:—A bill for an act to amend sections 2218 and 2222 of the Code of Civil Procedure of the State of Montana.

By Cannon:—A bill for an act to amend section 965 of the Civil Code of Montana, relating to stock killed by railroads.

REPORTS OF STANDING COMMITTEES.

The following reports were made:

By Wilson of Cascade:—"Mr. Speaker: Your Committee on Engrossment to whom was referred 145, 118, 97, 90, 25, 76, 187, Subs. 204 — 115 beg leave to report them as correctly engrossed."

By Lanstrum: "Mr. Speaker:—Your Committee on Ways & Means to whom was referred House Bill No. 286, a bill for an act entitled an act relative to the powers and duties of the Justices of the Peace, and fixing their compensation, respectfully report the same back to the House with the recommendation that it do pass."

Bill ordered printed.

Also: "Mr. Speaker:—Your Committee on Ways & Means to whom was referred House Bill No. 107, a bill for an act to amend section 3680 of Chapter II, of Title X, of Part III, of the Political Code of the State of Montana, relating to the revenue of the state, and definition of terms, respectfully report the same back to the House with the recommendation that it do pass."

Bill ordered printed.

By Bever: "Mr. Speaker:—Your Committee on Affairs of Cities to which was referred Senate Bill No. 48—an act to amend sections 4811 and 4812, of Article 4, of Chapter 3, Title 3, Part 4, of the Political Code of the State of Montana, relating to the legislative powers of cities and towns— having had same under consideration, recommends that it be concurred in."

Bill placed on General Orders.

By MacDonald: "Mr. Speaker:—Your Committee on Fish and Game to whom was referred Senate Bill No. 31, entitled a bill for an act to amend sections 6, 12 and 14, of an act entitled an act to repeal Sections 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113 and 3114 of the Political Code of the State of Montana, and to provide for the appointment of a State Game and Fish Warden, Deputy Game and Fish Wardens, and Special Deputy Game and Fish Wardens, and defining their powers and duties, and providing for their compensation, approved March 18th, 1901, report having had the same under consideration and report the same back with the recommendation that it do be concurred in as amended."

Placed on General Orders.

By Buchanan: "Mr. Speaker:—Your Committee on Printing begs leave to report House Bills Nos. 200, 83, 64, 181, 266, 117, 176, 122, 144, 202, 57, 240, 228, 143, 238, 94, 265, 172, 80, 185, 267, Substitutes for House Bills Nos. 7, 168, 126, 114, 3, 264, 74, and H. J. R. No. 2 as having been returned correctly printed."

By Brownlee: "Mr. Speaker: Your Committee on Townships & Counties to whom was referred House Bill No. 257, a bill for an act providing for the election of but one person to perform the duties pertaining to the office of sheriff and assessor in certain counties; providing for a vote of the taxpayers of the county in relation thereto, fixing the compensation of officer and providing for his under-sheriff and deputies, having had same under consideration, beg leave to report that same be sent to the Printing Committee."

Bill ordered printed.

By MacDonald: "Mr. Speaker: Your Committee on Fish and Game to whom was referred Senate Bill No. 29, a bill for an act to amend an act to repeal sections 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143 and 1144 of the Penal Code of the State of Montana, and to provide further protection to birds, fish and fur-bearing animals and game, approved March 8th, 1897, as amended by House Bill No. 13, session of 1901, approved March 14th, 1901, report having had the same under consideration and report the same back with the recommendation that same be re-referred to the Printing Committee."

Report adopted. Bill re-referred to the Printing Committee.

By Self: "Mr. Speaker:—Your Committee on Judiciary to whom was referred House Bill No. 199, entitled an act to amend section 3691 and 3693 of the Political Code, relating to the assessment of bank stock, beg leave to say that we have had said bill under consideration, and report the same back to the House with the recommendation that the further consideration thereof be indefinitely postponed."

On motion of Faust report adopted. Bill indefinitely postponed.

Also: "Mr. Speaker: Your Committee on Judiciary to whom was referred House Bill No. 235, entitled an act providing for the submission to the qualified electors of the State of Montana, of an amendment to Section 6, of Article 13, of the constitution, relating to public indebtedness, beg leave to say that we have had said bill under consideration, and report the same back to the House with the recommendation that the further consideration thereof be indefinitely postponed."

On motion of Cannon, report adopted. Bill indefinitely postponed.

Also: "Mr. Speaker:—Your Committee on Judiciary to whom was referred House Bill No. 293, entitled an act to amend section 1096 of the Penal Code, relating to cruelty to animals, beg leave to say that we have had said bill under consideration, and report the same back to the House with the recommendation that it do pass."

Bill ordered printed.

Also: "Mr. Speaker:—Your Committee on Judiciary to whom was referred House Bill No. 259, entitled an act to establish a law uniform with the laws of other states relating to negotiable instruments, beg leave to say that we have had said bill under consideration, and report the same back to the House with the recommendation that it do pass."

Bill ordered printed.

By Brownlee: "Mr. Speaker:—Your Committee on Townships and Counties to whom was referred House Bill No. 256, a bill for an act entitled an act to regulate primary elections, having had same under consideration, beg leave to report that same be referred to Committee on Privileges and Elections."

On motion of Brownlee, report adopted, and bill referred to Committee on Privileges and Elections.

By King: "Mr. Speaker:—Your Committee on Mines and Mining to whom was referred Senate Bill No. 8, introduced by Donlan, entitled an act to amend sections 580, 581 and 582 of the Political Code of the State of Montana, as amended by an act entitled an act amending sections 580, 581 and 582, Part 2, Title 1, Chapter 3, Article 15, of the Political Code of the State of Montana, relating to inspector of Mines, approved March 4th, 1897, begs leave to say that they have had same under consideration, and report the same back with the recommendation that it be not concurred in."

On motion of Cannon, report adopted.

By Rice: "Mr. Speaker:—Your Committee on Privileges & Elections, having had under consideration Senate Bill No. 45, a bill for an act to amend section 1209 of the Session Laws, as amended by the Fifth Legislative Assembly of the State of Montana, to conform with the provisions of section 1181 of Chapter 2, Part 3, Title 2, of the Political Code of the State of Montana, beg leave to report the same back to the House with the recommendation that it be concurred in."

Placed on General Orders.

Also: "Mr. Speaker:—Your Committee on Privileges and Elections, having had under consideration Senate Bill No. 44, a bill for an act to amend

section 1181 of Chapter 2, of the Political Code of the State of Montana, relating to the qualifications of voters, beg leave to report same back to the House with the recommendation that it be concurred in."

Placed on General Orders.

By Miller: "Mr. Speaker:—Your Committee on State Boards and Officers, to which was referred Senate Bill No. 10, a bill for an act to amend section 2389, of Article I, Chapter 3, Title 5, of Part 3, of the Political Code of the State of Montana, so far as the same relates to the State Law Library, have had under consideration, and report it back to the House with the recommendation that it be concurred in."

Placed on General Orders.

Also: "Mr. Speaker:—Your Committee on State Boards and Officers, to which was referred House Bill No. 260, a bill for an act to prohibit payment of bills for printing or binding done outside of the state, and providing a penalty for the violation thereof, report the same back to the House with the following amendment, and recommend that the bill as amended do pass."

On motion of Cannon, report adopted. Bill ordered printed.

Also: "Mr. Speaker:—Your Committee on State Boards and Officers, to which was referred House Bill No. 249, a bill for an act appropriating money for the payment of claims of certain persons and corporations, account services rendered and supplies furnished to and expenses incurred by the State Veterinarian, have had the same under consideration and report same back to the House with the recommendation that it do pass."

Also House Bill No. 250, an act appropriating money for the payment of the claim of the Independent Publishing Company, account services rendered the Historical Library, have had the same under consideration, and report it back to the House with the recommendation that it do pass.

Also, House Bill No. 251, an act appropriating money for the payment of the claim of the Independent Publishing Company, account services rendered the Clerk of the Supreme Court, having had same under consideration, report it back to the House with the recommendation that it do pass."

House Bills Nos. 249, 250, 251 ordered printed.

Also: "Mr. Speaker:—Your Committee on State Boards and Officers, to which was referred House Bill No. 252, an act appropriating money for the payment of claims of certain persons for services rendered and supplies furnished the State Board of Horticulture, have had the same under consideration, and report it back to the House with the recommendation that it do pass."

Bill ordered printed.

Also: "Mr. Speaker:—Your Committee on State Boards and Officers, to which was referred House Bill No. 270, a bill to provide for the establishment of a Board of Architectural Examiners and providing certain requirements and qualifications for the practice of architecture in the State of Montana, having had same under consideration, report it back to the House without recommendation."

On motion of Graham, bill ordered printed.

Also: "Mr. Speaker:—Your Committee on State Boards and Officers, to which was referred House Bill No. 253, an act to amend section 603 of the Political Code of the State of Montana, relating to the refusal to grant certificates to practice medicine and surgery by the State Board of Medical Examiners, have had the same under consideration and report back to the House with the following amendments, and recommend that it do pass as amended."

On motion of Lanstrum, report adopted. Bill ordered printed.

By majority of Committee on State Boards and Officers:—

"Mr. Speaker:—A majority of your Committee on State Boards and Officers, to which was referred House Bill No. 194, a bill for an act to regulate the wages of engineers, firemen, janitors, elevator men, yard men and other laborers, in and about the Capitol Building, and authorizing their employment, have had the same under consideration, and report it back to

the House with the accompanying substitute, and recommend that the substitute do pass."

MILLER, Chairman,
McCONE,
MORRISSEY,
PAT MULLINS.

Substitute bill ordered printed.

By Self: "Mr. Speaker:—Your Committee on Judiciary, to whom was referred House Bill No. 274, entitled an act in relation to costs and security for costs in civil actions, beg leave to say that we have had said bill under consideration, and report it back to the House with the recommendation that it be indefinitely postponed."

On motion of Self, report adopted. Bill indefinitely postponed.

Also: "Mr. Speaker:—Your Committee on Judiciary, to whom was referred Senate Bill No. 53, entitled an act to provide for the settlement of bills of exception taken before or after answer in criminal cases, and to provide for the review by the Supreme Court on appeal of proceedings, evidence and matters contained in such bills of exception, beg leave to say that we have had said bill under consideration, and report the same back with the recommendation that it be concurred in."

Placed on General Orders.

Also: "Mr. Speaker:—Your Committee on Judiciary to whom was referred Senate Bill No. 32, entitled an act to amend Section 1892 of the Penal Code of the State of Montana, relating to the appointment of counsel, in criminal cases, where the accused is unable to employ same, beg leave to say that we have had said bill under consideration, and report the same back to the House with the recommendation that the same be concurred in."

Placed on General Orders.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Miller: H. B. No. 304. An act to repeal section 4018 and amending Section 4602 of the Political Code of the State of Montana, relating to assessors.

By Miller: H. B. No. 305. A bill for an act to amend section 6, of an act of the Seventh Legislative Assembly, entitled an act creating the State Board of Health, defining its powers and duties and providing for the compensation of its officers, and providing for the enforcement of the rules and regulations of said board.

By Tooley: H. B. No. 306. A bill for an act exempting from taxation and excepting from assessment all lands occupied by county roads.

By Conner:—H. B. No. 307. A bill for an act to prevent train robbery and train wrecking, and prescribing punishment for violation thereof.

READING OF BILLS AND RESOLUTIONS.

The following bills were taken from the file:

S. B. No. 50, read first and second times, and referred to Committee on Education.

S. B. No. 58, read first and second times, and referred to Committee on State Boards and Officers.

S. B. No. 60, read first and second times, and referred to Committee on Affairs of Cities.

S. B. No. 65, read first and second times, and referred to Committee on State Boards and Officers.

S. B. No. 33, on motion of Miller, read by title only first and second times, and referred to Committee on Education.

H. B. No. 304, read first and second times, and referred to Committee on Townships and Counties.

H. B. No. 305, read first and second times, and referred to Committee on State Boards and Officers.

H. B. No. 306, read first and second times, and referred to Committee on Townships and Counties.

H. B. No. 307, read first and second times, and referred to Committee on Judiciary.

MESSAGES FROM THE SENATE.

The following message was received from the Senate:

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that Substitute House Bill No. 18, House Bill No. 129, Substitute House Bill No. 23, and House Bill No. 141, were to-day not concurred in by the Senate; and same are herewith returned."

X. K. STOUT, Secretary."

THIRD READING OF HOUSE BILLS.

Substitute House Bill No. 115, read third time and passed by the following vote:

Ayes:—Allen, Axtell, Bray of Rosebud, Benson, Bever, Brownlee, Farmer, Dwight, Faust, Gangner, Giltinan, Hefferlin, Hilger, Hilman, Johnson, Lanstrum, Lienemann, Linderman, Lynch, Martin, Miller, Mullins, McCone, MacDonald, Noble, O'Keefe, Pearson, Pelletier, Rice, Self, Schwend, Shannon, Stadler, Swindlehurst, Sykes, Teal, Tooley, Vagg, Webb, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Word, and Mr. Speaker—45.

Nays, None.

Substitute for House Bill No. 204, read third time and passed by the following vote:

Ayes: Axtell, Bray of Rosebud, Bever, Brownlee, Buchanan, Cannon, Conner, Dwight, Faust, Gangner, Giltinan, Graham, Hefferlin, Hilger, Hilman, Johnson, King, Lanstrum, Lienemann, Linderman, Lynch, Martin, Miller, Mullins, McCone, MacDonald, Noble, O'Keefe, Pearson, Pelleiter, Rice, Self, Stadler, Swindlehurst, Sykes, Teal, Tooley, Vagg, Webb, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Word and Mr. Speaker—45.

Nays, Allen, Benson, Schwend, Shannon, 4.

House Bill No. 177, read third time and passed by the following vote:

Ayes:—Allen, Axtell, Bray of Rosebud, Benson, Bever, Brownlee, Buchanan, Cannon, Conner, Dempster, Dwight, Faust, Giltinan, Hefferlin, Hilger, Hilman, Johnson, King, Lanstrum, Lienemann, Linderman, Lynch, Martin, Miller, Mullins, McCone, MacDonald, Noble, O'Keefe, Pearson, Rice, Stadler, Sykes, Teal, Tooley, Vagg, Webb, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Word and Mr. Speaker—42.

Nays: Gangner, Self, Schwend, and Shannon—4.

House Bill No. 76, read third time and passed by the following vote:

Ayes:—Allen, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Bever, Brownlee, Buchanan, Cannon, Conner, Dempster, Faust, Gangner, Hefferlin, Hilger, Hilman, Johnson, Lanstrum, Lienemann, Linderman, Lynch, Martin, Miller, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Pelletier, Rice, Self, Schwend, Shannon, Stadler, Swindlehurst, Sykes, Teal, Tooley, Vagg, Webb, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Word and Mr. Speaker—46.

Nays, None.

House Bill No. 25, read third time and passed by the following vote:

Ayes: Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Bever, Brownlee, Buchanan, Cannon, Conner, Dempster, Dwight, Faust, Gangner, Giltinan, Hefferlin, Hilger, Hilman, Johnson, King, Lanstrum, Lebsou, Lienemann, Linderman, Lynch, Martin, Miller, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Pelletier, Rice, Self, Schwend, Shannon, Stadler, Swindlehurst, Sykes, Teal, Tooley, Vagg, Webb, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Word and Mr. Speaker—51.

Nays, None.

House Bill No. 90, read third time and failed to pass by the following vote:

Ayes:—Buchanan, Conner, Dwight, Faust, Hefferlin, Hilman, Johnson, King, Lanstrum, Miller, MacDonald, Noble, Rice, Swindlehurst, Wilson of Lewis and Clarke, Mr. Speaker—16.

Nays: Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Bever, Brownlee, Cannon, Dempster, Gangner, Giltinan, Hilger, Lienemann, Linderman, Lynch, Martin, Mullins, McCone, MacGinniss, O'Keefe, Pelletier, Self, Schwend, Shannon, Stadler, Stapleton, Sykes, Teal, Tooley, Vagg, Webb, Wilson of Cascade, Wood, and Word—35.

House Bill No. 97—on motion of Conner the bill was recommitted to the Committee on Appropriations.

House Bill No. 118, read third time and passed by the following vote:

Ayes: Allen, Arthur, Axtell, Bray of Rosebud, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Duggan, Dwight, Farmer, Faust, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Martin, Miller, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Pearson, Pelletier, Rice, Self, Schwend, Stadler, Stapleton, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Word and Mr. Speaker—59.

Nays, None.

Stapleton, seconded by Dempster, by unanimous leave offered the following:

Whereas, a great bereavement has fallen upon His Excellency, Joseph K. Toole, Governor, Montana, in the untimely death of his friend and sister-in-law, Miss Anita D. Rosecrans, daughter of the late General Rosecrans of the United States Army, and

Whereas, we the House of Representatives of the Eighth Legislative Assembly share in the grief of His Excellency and deem it fitting that we express to him our sorrow and extend to him our sincerest sympathy,—

Now Therefore, BE IT RESOLVED, that as an evidence of our respect for His Excellency, we do adjourn until 10 o'clock to-morrow morning.

Adopted.

At 12 o'clock M. the House adjourned.

B. F. WHITE,
Speaker.

NATHAN GODFREY,
Chief Clerk.

FORTY-SEVENTH DAY

Friday, February 20, 1903.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—all members present except Flaherty, Owen, Story, Williams, Word.

Prayer by the Chaplain.

Faust reported as follows:

"Mr. Speaker:—Your Journal Committee beg leave to report that they have examined the Journal for the 45th day of this session and find the same correct."

NOTICES OF BILLS.

The following notices were given:

By Stapleton:—A bill for an act to amend sections 871 and 873 of the Code of Civil Procedure of the State of Montana, relating to injunctions.

By Wood:—A bill for an act to protect trade, commerce against unlawful restraints and monopolies and to prohibit the giving or receiving of rebates on the transportation of property.

By Swindlehurst:—A bill entitled an act regulating insurance companies.

By Bever:—"Mr. Speaker:—I hereby give notice that I will on to-morrow or some subsequent day move the House to amend Rule XXXIII so as to read as follows:

Rule XXXIII. On the second reading every bill or memorial requiring three readings shall be referred to an appropriate standing committee, which shall be announced by the Speaker, unless the House on motion make a different order in relation thereto; and the committee to which said bill or memorial shall be referred shall report the same back to the House with its recommendation thereon, within twenty-four hours after the said bill and memorial shall be delivered to the said committee by the Chief Clerk; and upon the failure, neglect or refusal of the said committee to so report said bill or memorial within the said twenty-four hours, the Chief Clerk shall forthwith obtain the said bill or memorial from the said committee, and if the same has not been printed, place the same upon General Orders; and if the same has not been printed, the Chief Clerk shall call the attention of the House to the said bill or memorial for their action thereon. This rule shall apply as well to bills and memorials originating in the Senate as to those originating in the House, but bills reported by Joint Committee shall be excepted.

By Faust:—A bill for an act to extend the boundaries of Powell County and alter the boundaries of Lewis and Clarke County to conform thereto.

Also, A bill for an act to prohibit the sale of intoxicating liquors by the drink or glass at any saloon or place near a dwelling house, church or school house.

REPORTS OF STANDING COMMITTEES.

The following reports were made:—

By Wilson of Cascade:—"Mr. Speaker:—Your Committee on Engrossment to whom was referred House Bills Nos. 159, 139, 81, and H. J. R. No. 1, beg leave to report them as correctly engrossed."

By Buchanan: "Mr. Speaker:—Your Committee on Printing beg leave to report House Bills Nos. 192 and 275 as having been returned correctly printed."

By Sales:—"Mr. Speaker: Your Committee on Horticulture & Agriculture to whom was referred House Bill No. 180, a bill for an act entitled an act to prevent the herding of sheep on the land or possessory claims of other persons or within a certain distance of the dwelling house of the owner or owners of such land or claims, and providing penalties for the violation thereof, beg leave to report the same back to the House with the recommendation that it be indefinitely postponed."

On motion of Cannon, report adopted. Bill indefinitely postponed.

By Swindlehurst: "Mr. Speaker: Your Committee on Insurance to whom was referred House Bill No. 297, a bill for an act requiring foreign surety companies engaged in business in this state to deposit securities with the State Treasurer, and to amend sections 1 and 5 of the act of the Legislative Assembly, approved Feb. 24, 1899, beg leave to report that we have considered the same and recommend that it do pass."

Bill ordered printed.

By minority of Judiciary Committee:—"Mr. Speaker:—A minority of your Committee on Judiciary to whom was referred House Bill No. 230, entitled an act appropriating money for the payment of the claims of certain persons for expenses incurred in transporting prisoners to the Penitentiary during the years 1899, 1900, 1901 and 1902, report the same back with the recommendation that it do not pass for the following reasons:

1st. A minority of your committee cannot determine whether the charges made are for mileage only or cover all actual expenses incurred in the transportation of prisoners.

2nd. There seems to be no previous authority of law providing for the payment of said claims made against the state.

JAMES M. SELF."

By a majority of Judiciary Committee:—"Mr. Speaker:—A majority of your Committee on Judiciary to whom was referred House Bill No. 230, entitled an act appropriating money for the payment of the claims of cer-

tain persons for expenses incurred in transporting prisoners to the Penitentiary during the years 1899, 1900, 1901 and 1902, beg leave to say that we have had said bill under consideration, and report same back to the House with the recommendation that it do pass.

In the opinion of your committee, there is some doubt as to whether the state or the several counties are liable for the payment of these claims, but inasmuch as the sheriffs therein named would have to wait for at least two years before receiving their money if appropriation was not made, it should be held that the state is liable, your committee thought it best to take the action above stated. Your committee also suggests that the State Auditor take proper steps to ascertain whether or not the state is liable before issuing warrants required by this bill.

ROBT. BROWNLEE,
HARRY A. VAGG,
GUY W. STAPLETON,
HENRY FAUST,
THOS. M. EVERETT,
GEO. McCONE."

Sales moved the adoption of the majority report—So Ordered.

Bill ordered printed.

By Rice: "Mr. Speaker: Your Committee on Privileges and Elections having had under consideration House Bill No. 269, a bill for an act to amend sections 1354, 1360, 1368 and 1370 of the Political Code, relating to elections, beg leave to report same back to the House with the recommendation that it do pass."

Bill ordered printed.

Also: "Mr. Speaker: Your Committee on Privileges and Elections, having had under consideration House Bill No. 58, a bill for an act entitled an act to amend an act of the Fifth Legislative Assembly of the State of Montana entitled an act to amend chapter 3, Title 2, of Part 2, of the Political Code, by repealing sections 1224 to 1233 inclusive, by adding sections 1201 to 1208 inclusive, 1210 to 1216 inclusive, and by amending sections 1209 and 1234 relating to the registration of voters, approved March 9, 1897, beg leave to submit a substitute in lieu of the original bill and recommend that said substitute do pass."

Bill ordered printed.

Also: "Mr. Speaker:—Your Committee on Privileges and Elections having had under consideration House Bill No. 154, a bill for an act prohibiting the printing of the name of any candidate for public office on any official ballot more than once and providing the manner by which it shall be determined under what party name or principle the name of each candidate shall be placed on the official ballots, begs leave to report same to the House with the recommendation that it do pass."

Bill ordered printed.

MacGinniss moved that the vote on House Bill No. 154 be reconsidered—seconded by Lynch—Motion Lost.

Also: "Mr. Speaker:—Your Committee on Privileges and Elections having had under consideration House Bill No. 276, a bill for an act providing for the registration of electors, begs leave to report same back to the House with the recommendation that it be indefinitely postponed."

On motion of Cannon, report adopted. Bill indefinitely postponed.

By Bray of Lewis and Clarke:—"Mr. Speaker:—Your Committee on Improvements & Manufacturing, to whom was referred House Bill No. 190, a bill for an act to permit a fac simile or other representation of the great seal of the state of Montana to be affixed or imprinted upon any article made in Montana, and providing a penalty for the placing of any such label upon any article not made, grown or produced in Montana, respectfully report same back to the House with the recommendation that it do pass."

Bill ordered printed.

By Pearson:—"Mr. Speaker:—Your Committee on State Institutions Public Buildings and Grounds to which was referred House Bill No. 279, a bill for an act entitled an act providing for the setting apart of a room in the Capitol Building of the State of Montana for the storage and safe keeping of the archives and records, etc., of the Grand Army of the Republic, beg

leave to report same back to the House with the recommendation that it be indefinitely postponed."

Report rejected. Bill ordered printed.

By Self: "Mr. Speaker:—Your Committee on Judiciary to whom was referred House Bill No. 94, entitled an act to amend section 1861 of the Code of Civil Procedure relating to costs, beg leave to say that we have had said bill under consideration and report the same back to the House with the recommendation that the further consideration thereof be indefinitely postponed."

On motion of Harrison, report adopted. Bill indefinitely postponed.

By Pearson:—"Mr. Speaker:—Your Committee on State Institutions Public Buildings and Grounds to whom was referred House Bill No. 242, a bill for an act provide for the appointment of a Warden for the State Penitentiary and the care of the prisoners therein by the officers of the state, beg leave to report the same back to the House with the recommendation that it be indefinitely postponed."

On motion of Hilger, report adopted. Bill indefinitely postponed.

Also: "Mr. Speaker:—Your Committee on State Institutions Public Buildings and Grounds to whom was referred Senate Bill No. 41, a bill for an act establishing a sub-experimental station of the Agricultural Experimental Station near Billings, Montana, and providing for the acquisition of title for the land for the same, and the direction thereof, beg leave to report the same back to the House with the recommendation that it be indefinitely postponed."

Lanstrum moved that the bill be recommitted—Carried.

Bill recommitted to Committee on State Institutions.

Graham moved that the vote by which the report on House Bill No. 242, was adopted, be reconsidered—Carried.

Graham moved to amend the recommendation of committee to indefinitely postpone, by recommending that the bill be recommitted to the Committee on State Institutions Public Buildings and Grounds,—Carried.

Report, as amended, adopted.

Mr. Speaker announced that he was about to sign Senate Bill No. 30.

By Self:—"Mr. Speaker:—Your Committee on Judiciary to whom was referred House Bill No. 233, entitled an act providing for the submission to the qualified voters of the state of Montana, of an amendment to section 18, Article 8 of the constitution, relating to Clerks of the District Court, beg leave to say that we have had said bill under consideration, and report same back to the House with the recommendation that the further consideration thereof be indefinitely postponed."

On motion of Dwight, report adopted. Bill indefinitely postponed.

Also: "Mr. Speaker:—Your Committee on Judiciary to whom was referred House Bill No. 234, entitled an act providing for the submission to the qualified voters of the State of Montana, for an amendment to section 6 of Article XVI of the constitution, relating to consolidation of county offices, beg leave to say that we have had said bill under consideration, and report same back to the House with the recommendation that the further consideration thereof be indefinitely postponed."

On motion of Wilson of Cascade, report adopted. Bill indefinitely postponed.

Also: "Mr. Speaker:—Your Committee on Judiciary to whom was referred House Bill No. 299, entitled an act to amend sections 3940, 3941, 3943, 3946, 3947, Part 3, Title 10, Chapter 9, of the Political Code of the State of Montana, relating to the collection of taxes on certain property, beg leave to say that we have had said bill under consideration, and report the same back to the House with the recommendation that said bill be referred to the Printing Committee, and then placed on General Orders."

Bill ordered printed.

Also: "Mr. Speaker:—Your Committee on Judiciary to whom was referred House Bill No. 292, entitled an act to amend section 2530 of the Code of Civil Procedure, relating to the qualifications of judges in probate proceedings, beg leave to say that we have had said bill under consideration, and report same back to the House with the recommendation that the further consideration thereof be indefinitely postponed."

On motion of Wilson of Cascade, report adopted. Bill indefinitely postponed.

Also: "Mr. Speaker:—Your Committee on Judiciary to whom was referred House Bill No. 104, entitled an act to provide security to the public against error, omissions and defects of abstracts of title to real estate, and for the use of abstracts of title in evidence, beg leave to say that we have had said bill under consideration, and report same back to the House with the recommendation that it be referred to the Printing Committee and then placed on General Orders."

Bill ordered printed.

Also: "Mr. Speaker:—Your Committee on Judiciary to whom was referred House Bill No. 247, entitled an act to prevent certain persons from practicing law before any Police Magistrate or Justice of the Peace court in the State of Montana, beg leave to say that we have had said bill under consideration, and report same back to the House a Substitute therefor, and recommend that said substitute be adopted and referred to the Printing Committee, and then placed on General Orders."

Substitute Bill ordered printed.

By Majority of Judiciary Committee:—"Mr. Speaker:—A majority of your Committee on Judiciary, to whom was referred House Bill No. 298, entitled an act to amend section 3828 of the Political Code relating to liens for personal property tax, beg leave to say that we have had said bill under consideration, and report same back to the House with the recommendation that the further consideration thereof be indefinitely postponed.

ROBT. BROWNLEE,
HARRY A. VAGG,
GUY W. STAPLETON,
THOS. M. EVERETT,
GEO. McCONE.

Stapleton moved the adoption of the majority report—Carried. Bill indefinitely postponed.

By minority of Judiciary Committee: "Mr. Speaker:—A minority of your Committee on Judiciary to whom was referred House Bill No. 298, entitled an act to amend section 3828 of the Political Code, relating to liens for personal property tax, beg leave to say that we have had said bill under consideration, and report same back to the House with the recommendation that it do pass."

JAMES M. SELF,
HENRY J. FAUST.

By Graham:—"Mr. Speaker:—Your Committee on Labor to whom was referred House Bill No. 142, introduced by O'Keefe, entitled an act to repeal Sections 2982, 2983, 2984, 2985, 2986, 2987 and 2988 of Part III, Title I, of the Penal Code, relating to the State Prison, beg leave to say that they have had the same under consideration and report it back with the recommendation that it be referred to the Committee on State Institutions Public Buildings and Grounds, so as to conform with House Bill No. 242, providing for a State Warden."

On motion of O'Keefe, report adopted. Bill referred to Committee on State Institutions.

By Self: "Mr. Speaker:—Your Committee on Judiciary to whom was referred House Bill No. 271, entitled an act to provide for the support of the Government of the State of Montana for the fiscal years 1903 and 1904, beg leave to say that we have had said bill under consideration and report back a substitute therefor, with the recommendation that said substitute do pass."

Report adopted. Substitute Bill ordered printed.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Committee on Affairs of Cities:—H. B. No. 308. A bill for an act to amend Sec. 4050 of the Political Code of Montana, relating to the disposition of moneys received from licenses.

Also: H. B. No. 309. A bill for an act providing that every person who

sells or offers for sale, directly or indirectly, liquors or wines, must obtain a license therefor, and fixing the amount to be paid therefor.

By Cannon: H. B. No. 310. An act to amend Section 955 of the Civil Code of the State of Montana, relating to live stock killed or injured by railroads.

By Linderman: H. B. No. 311. A bill for an act to amend Sections 2216 and 2222 of the Code of Civil Procedure of the State of Montana.

By Lynch: H. B. No. 312. A bill for an act to appropriate money for the payment of the claim of J. F. Ledwidge, stenographer of the District Court of the Second Judicial District of the State of Montana, in and for Silver Bow County, account of stenographer's fees in preparing transcript of the testimony on statement of motion for a new trial.

By Beaudry: H. B. No. 313. A bill for an act fixing the compensation of constables in certain townships.

By Rice: H. B. No. 314. A bill for an act to amend sections 4328 and 4332 of the Political Code of Montana, relating to the classification of counties, for the purpose of regulating the compensation and salaries of county officers and fixing the penalties of the official bonds of such officers.

By Rice: H. B. No. 315. A bill for an act to amend Section 4594 of the Political Code of the State of Montana, relating to salaries and compensation of county officers.

By Rice: H. B. No. 316. A bill for an act to amend section 4597 of the Political Code of the State of Montana, relating to the number of deputies allowed to county officers by the County Commissioners.

Mr. Speaker announced that he was about to sign House Bill No. 232.

Tooley made the following report:

"Mr. Speaker:—Your Committee on Enrollment report H. B. No. 231, an act to enable cities which have incurred an indebtedness in excess of the limit provided in Sec. 6 Art. XIII of the constitution of the State of Montana, to liquidate and pay off the same; also House Bill No. 232, a bill for an act providing for the payment of the indebtedness and expenses hereafter incurred by cities, the indebtedness of which exceeds the limit provided in Sec. 6 of Art. XIII of the Constitution of the State of Montana, and further providing for the levy and collection of taxes for such purposes, --as correctly enrolled."

READING OF BILLS.

The following bills were taken from the file:

H. B. No. 308, read first and second times, and referred to the Committee on Townships and Counties.

H. B. No. 309, read first and second times, and referred to the Committee on Ways and Means.

H. B. No. 310, read first and second times, and referred to the Committee on Live Stock and Public Ranges.

H. B. No. 311, read first and second times, and referred to Committee on Judiciary.

H. B. No. 312, read first and second times, and referred to Committee on Judiciary.

H. B. No. 313, read first and second times, and referred to Committee on Judiciary.

H. B. No. 314, read first and second times, and referred to Committee on Ways and Means.

H. B. No. 315, read first and second times, and referred to Committee on Ways & Means.

H. B. No. 316, read first and second times, and referred to Committee on Ways and Means.

THIRD READING OF BILLS.

House Bill No. 145: on motion of King, it was unanimously ordered that the bill be read by title only, and placed upon its final passage; and it was declared passed by the following vote:—

Ayes:—Allen, Arthur, Bray of Rosebud, Benson, Bever, Brownlee, Buchanan, Cannon, Conner, Downey, Dwight, Everett, Faust, Flaherty, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Linderman, Lynch, Martin, Miller, Miles, Morrissey, McCone, Noble, Rice, Sales, Self, Stadler, Stapleton, Swindlehurst, Tolman, Tooley, Vagg, Wilson of Cascade, Wilson of Lewis and Clarke, Woodworth, Word, and Mr. Speaker—45.

Nays:—Axtell, Beaudry, Duggan, Farmer, Gangner, Lienemann, Mullins, O'Keefe, Pelletier, Schwend, Shannon, Whiteley, Wood—13.

Rice moved that when the House adjourns, it do adjourn until 10 o'clock A. M. on Monday, upon which a division was called for—Ayes 48, Nays None—Carried.

House Bill No. 159, read third time and passed by the following vote:

Ayes: Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Cannon, Conner, Downey, Dwight, Farmer, Faust, Flaherty, Gangner, Giltinan, Harrison, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Martin, Miller, Miles, Morrissey, Mullins, McCone, Noble, O'Keefe, Pelletier, Rice, Sales, Schwend, Shannon, Stadler, Teal, Tolman, Tooley, Vagg, Webb, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—56.

Nays, Duggan—1.

House Bill No. 181, read third time and passed by the following vote:

Ayes:—Arthur, Bray of Rosebud, Beaudry, Bever, Buchanan, Cannon, Conner, Dempster, Downey, Duggan, Dwight, Farmer, Faust, Flaherty, Giltinan, Harrison, Hilger, Hilman, Johnson, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Martin, Miller, Miles, Morrissey, Mullins, McCone, Noble, O'Keefe, Pelletier, Rice, Sales, Schwend, Stadler, Swindlehurst, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—51.

Nays, None.

House Bill No. 139, read third time and passed by the following vote:

Ayes:—Allen, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Buchanan, Cannon, Conner, Downey, Dwight, Farmer, Faust, Flaherty, Giltinan, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Martin, Miller, Miles, Morrissey, Mullins, McCone, Noble, O'Keefe, Pelletier, Rice, Sales, Schwend, Stadler, Stapleton, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—55.

Nays: Duggan, Self—2.

House Joint Resolution No. 1, read third time and passed by the following vote:

Ayes:—Allen, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Buchanan, Cannon, Conner, Dempster, Downey, Duggan, Dwight, Farmer, Faust, Flaherty, Giltinan, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Martin, Miller, Miles, Morrissey, Mullins, McCone, Noble, O'Keefe, Pelletier, Rice, Sales, Schwend, Shannon, Stadler, Stapleton, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word—58.

Nays:—Self and Mr. Speaker—2.

On motion of Lanstrum, at 12.05 P. M. the House took a recess until 1.30 o'clock P. M.

AFTERNOON SESSION.

House re-assembled at 1.30 o'clock P. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

Faust made the following report:

"Mr. Speaker: Your Journal Committee beg leave to report that they have examined the Journal for the 46th day of this session and find the same correct."

GENERAL ORDERS.

On motion of Lanstrum the House resolved itself into Committee of the Whole to consider General Orders as arranged by the Steering Committee. Swindlehurst in the chair.

House resumed. Mr. Speaker in the chair.

Swindlehurst made the following report:

"Mr. Speaker:—Your Committee of the Whole having had under consideration bills on General Orders beg leave to report as follows:

1st. That we have considered Senate Bill No. 48 and recommend that it be concurred in.

2nd. That we have considered Senate Bill No. 31 and recommend that it be amended, and as amended that it be concurred in.

3rd. That we have considered Senate Bill No. 45, and recommend that it be concurred in.

4th. That we have considered Senate Bill No. 44, and recommend that it be concurred in.

5th. That we have considered Senate Bill No. 10 and recommend that it be concurred in.

6th. That we have considered Senate Bill No. 53, and recommend that it be concurred in.

7th. That we have considered Senate Bill No. 32, and recommend that it be concurred in.

8th. That we have considered Senate Bill No. 38, and recommend that it be concurred in as amended.

9th. That we have considered Substitute for Senate Bill No. 12, and recommend that it be amended, and as amended it be concurred in.

10th. That we have considered Senate Bill No. 6 and recommend that it be concurred in.

11th. That we have considered Senate Bill No. 11, and recommend that it be amended and as amended, it be concurred in.

12th. That we have considered Senate Bill No. 28, and recommend that it be amended, and as amended, it be concurred in."

Report adopted. Bills placed on third reading.

Tooley made the following report:

Mr. Speaker:—Your Committee on Enrollment report H. B. No. 138, an act appropriating money for the payment of the claim of the Butte Machinery and Specialty Co., account installation of heating plant at State Penitentiary at Deer Lodge; also H. B. No. 137, an act entitled an act appropriating money for the payment of the claim of Conley & McTague for care of prisoners at state penitentiary at Deer Lodge, as correctly enrolled."

Mr. Speaker announced that he was about to sign House Bills Nos. 137 and 138.

On motion of Rice, the House resolved itself into Committee of the Whole on General Orders. Swindlehurst in the chair.

House resumed. Mr. Speaker in the chair.

Swindlehurst reported as follows:—

"Mr. Speaker:—Your Committee of the Whole, having had under consideration bills on General Orders beg leave to report as follows:—

1st. That we have considered House Bill No. 167, and recommend that it be amended, and as amended it do pass.

2nd. That we have considered House Bill No. 173, and recommend that it do pass.

3rd. That we have considered House Bill No. 236, and recommend that it be amended, and as amended, it do pass.

4th. That we have considered House Bill No. 174, and recommend that it do pass.

5th. That we have considered House Bill No. 113, and recommend that it do pass.

6th. That we have considered House Bill No. 244, and recommend that it do pass.

7th. That we have considered Joint Memorial No. 7, and recommend that it do pass.

8th. That we have considered House Bill No. 229, and recommend that it do pass.

9th. That we have considered House Bill No. 32, and recommend that it do pass."

Report adopted. House Bills Nos. 167, 173, 236, 174, 113, 244, 229 and 32, and H. J. M. No. 7. ordered engrossed.

House resolved itself into Committee of the Whole. Swindlehurst in the chair.

House resumed. Mr. Speaker in the chair.

Swindlehurst reported as follows:—

"Mr. Speaker:—Your Committee of the Whole having had under consideration bills on General Orders, recommend as follows:—

1st. That we have considered House Bill No. 243 and recommend that it do pass.

2nd. That we have considered House Bill No. 263, and recommend that it be amended, and as amended it do pass.

3rd. That we have considered House Bill No. 201, and recommend that it be amended, and as amended, it do pass.

4th. That we have considered House Bill No. 203, and recommend that it do pass.

5th. That we have considered House Bill No. 152, and recommend that it do pass.

6th. That we have considered House Bill No. 120, and recommend that it do pass.

7th. That we have considered Substitute for House Bill No. 56 and recommend that the enacting clause be stricken out.

8th. That we have considered Substitute for House Bills Nos. 100 and 116, and desire to report progress."

Report adopted. House Bills Nos. 243, 263, 201, 203, 152, 120 ordered engrossed.

Tooley made the following reports:—

"Mr. Speaker:—Your Committee on Enrollment report H. B. No. 93, an act to amend section 1821 of the Code of Civil Procedure, relating to motions and orders, also H. B. No. 88, an act to prescribe the method of the publication of the laws of the Legislative Assemblies of the State of Montana, also H. B. No. 121, relating to jurisdiction of Police Courts, also H. B. No. 86, an act entitled an act to appropriate to J. M. Page the sum of Six Hundred and Eighty-Five Dollars and Eighty-four cents for services rendered the State of Montana as State Land Agent from August 7th, 1897, to October 25th, 1897, inclusive; also H. B. No. 53, an act to define the word "estrays" and provide a penalty for the taking up, using or disposing of estrays upon the public domains, as correctly enrolled."

Mr. Speaker announced that he was about to sign House Bills Nos. 93, 88, 121, 86 and 53.

On motion of Lynch, vote reconsidered by which enacting clause was stricken out of H. B. No. 56 and bill referred to General Orders.

On motion of Dwight, at 6.40 P. M., the House adjourned.

B. F. WHITE,
Speaker.

NATHAN GODFREY,
Chief Clerk.

FIFTIETH DAY

Monday, February 23, 1903.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called. Members absent, Beaudry, Brownlee, Burt, Dempster, Dugan, Flaherty, Graham, Hefferlin, Hilger, Lynch, Miles, Morrissey, McCone,

MacDonald, O'Keefe, Pearson, Sales, Shannon, Story, Sykes, Teal, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade.

Prayer by the Chaplain.

NOTICES OF BILLS.

The following notices were given:

By MacGinniss:—A bill for an act to increase the supreme court from 3 to 5 members as provided for in the constitution of the state of Montana.

By Lienemann:—A bill for an act entitled an act for the protection of quartz lode mining claims and for the ascertainment of any underground trespassing thereon.

By Farmer:—A bill to pay mileage to the Senate and House members of the Special Committee that visited the various state institutions.

By Mullins:—A bill for an act providing for the election of the following named officers:—One State examiner, one State Inspector of Mines, one State Boiler Inspector, State Inspector of Coal Mines, Game Warden, Register of State Land Office, one State Land Agent, State Veterinarian, and a Commissioner of Agriculture and Labor.

By Lienemann:—A bill for an act providing for the submission to the qualified electors of the State of Montana of an amendment to Section 22 of Article 5 of the constitution, relating to legislation.

REPORTS OF STANDING COMMITTEES.

The following reports were made:—

By Lanstrum: "Mr. Speaker:—Your Committee on Ways and Means to whom was referred House Bill No. 309, a bill for an act entitled an act providing that every person who sells or offers for sale, directly or indirectly, liquors or wines, must obtain a license therefor, and fixing the amount to be paid therefor, respectfully report the same back to the House with the recommendation that it do pass."

Bill ordered printed.

Also: "Mr. Speaker:—Your Committee on Ways and Means to whom was referred House Bill No. 134, a bill for an act entitled an act to amend sections 4328 and 4332 of the Political Code of Montana, relating to the classification of counties, for the purpose of regulating the compensation and salaries of county officers and fixing the penalties of the official bonds on such officers, respectfully report the same back to the House with the recommendation that it do pass."

Bill ordered printed.

Also: "Mr. Speaker:—Your Committee on Ways and Means to whom was referred House Bill No. 315, a bill for an act to amend section 4594 of the Political Code of the State of Montana, relating to salaries and compensation of county officers, respectfully report the same back to the House with the recommendation that it do pass."

Bill ordered printed.

Also: "Mr. Speaker: Your Committee on Ways and Means to whom was referred House Bill No. 316, a bill for an act entitled an act to amend section 4597 of the Political Code of the State of Montana, relating to the number of deputies allowed to county officers by the County Commissioners, respectfully report the same back to the House with the recommendation that it do pass."

Bill ordered printed.

Also: By Tolman:—"Mr. Speaker:—Your Committee on State Lands to whom was referred House Bill No. 261, a bill for an act entitled an act to amend Section two of an act of the Sixth Legislative Assembly of Montana, entitled an act to provide for an assistant for the Register of the State Land Office, to fix the salary thereof and designate the fund from which he shall be paid, respectfully report the same back to the House with the recommendation that it do pass."

Bill ordered printed.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Wood:—H. B. No. 317. A bill for an act to protect trade and commerce against unlawful restraints and monopolies and to prohibit the giving or receiving of rebates on the transportation of property.

By Stapleton:—H. B. No. 318. A bill for an act to amend sections 871 and 873 of the Code of Civil Procedure of the State of Montana, relating to injunctions.

By Faust, by request: H. B. No. 319. A bill for an act to prohibit the sale of intoxicating liquors by the drink or glass at any saloon or place near a dwelling house, church, or school house.

By Swindlehurst:—H. B. No. 320. A bill for an act regulating Insurance companies.

By Faust: H. B. No. 321. A bill for an act to extend the boundaries of Powell County and to alter the boundaries of Lewis and Clarke County to conform thereto.

By Committee on Appropriations: H. B. No. 322. An act making appropriations for the Executive and Judicial Departments of the state government for the fiscal years ending November 30, 1903 and November 30, 1904.

Conner moved a recess until 2 o'clock P. M., upon which a division was called for—Carried.

Stapleton moved as an amendment, to adjourn to 10 o'clock A. M. to-morrow—Lost.

At 10.30 A. M. the House took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

House re-assembled at 2 o'clock P. M. Mr. Speaker in the chair.

Roll called, and no quorum being present, Mr. Speaker declared the House adjourned until 10 o'clock A. M. to-morrow.

B. F. WHITE,
Speaker.

NATHAN GODFREY,
Chief Clerk.

FIFTY-FIRST DAY

Tuesday, February 24th, 1903.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called; all members present except Graham, Martin, Webb and Williams.

Prayer by the Chaplain.

NOTICES OF BILLS.

The following notice was given:

By Hefferlin: A bill for an act to amend section 4062 of the Political Code of the State of Montana as the same is now in force after amendment by an act entitled, an act to amend section 4062 of Article 2, Chapter XIII, Political Code of Montana, relating to licenses, approved March 4, 1897, relating to licenses.

REPORT OF STANDING COMMITTEES.

The following reports were made:—

By Buchanan:—Mr. Speaker:—Your Committee on Printing begs leave to report House Bills Nos. 259, 190, 279, 194, 154, 293, 250, 251, 285, 253, 286,

104, 230, 269, 107, 249, 252, 260, 257, 270, 297, Substitute House Bills Nos. 271, 247, 58 and S. B. No. 29, as having been returned correctly printed."

By Rice:—"Mr. Speaker: Your Committee on Privileges and Elections beg to submit the following report: When the matter of the Silver Bow Election Contest was before your Committee for consideration the matter of a recount of the votes from Silver Bow County was placed on the hands of a sub-committee consisting of the Hon. C. C. Bever as Chairman, Hon. H. S. Cannon and Hon. T. M. Swindlehurst.

Mr. Bever as chairman of the sub-committee had an argument with the attorneys for the contestants that if the recount of votes showed no change in the result, that the contestants would save the State of Montana from any expense in said matter.

Mr. Bever, after the Silver Bow contest had been dismissed, collected together the amounts of expense incurred and presented the same to the said attorneys for contestants.

Mr. Bever has received a letter from said attorney, which letter is attached to this report, as a part thereof, enclosing the sum of (\$525.55) five hundred and twenty-five dollars and fifty five cents, being the amount of expense incurred by the sub-committee. Your committee would respectfully ask that the House direct Mr. Bever to pay said amount to the Chief Clerk of the House and that he be authorized to receipt to said attorney for the said amount of money."

On motion of Dwight, report adopted.

By Miller: "Mr. Speaker: Your Committee on State Boards and Officers to which was referred House Bill No. 305, a bill for an act to amend an act of the 7th Legislative Assembly entitled an act creating a State Board of Health has considered the same and report it back with the recommendation that it do pass."

Bill ordered printed.

Also: "Mr. Speaker:—Your Committee on State Boards and Officers to which was referred Senate Bill No. 65, to repeal section 1704 of the Political Code relating to duties of Superintendent of Public Instruction and to amend section 1516 of the Political Code relating to the powers and duties of the State Board of Education, have considered the same and report it back with the recommendation that it do pass."

Bill ordered printed.

Also: "Mr. Speaker: Your Committee on State Boards and Officers to which was referred Senate Bill No. 58, an act to amend section 1511 of the Political Code providing for the qualification of members of the State Board of Education, has considered the same and report it back with the recommendation that it be indefinitely postponed."

On motion of Conner, report adopted. Bill indefinitely postponed.

Also: "Mr. Speaker: Your Committee on State Boards and Officers to which was referred House Bill No. 287, a bill for an act to amend section 448 of the Political Code, relating to quarterly reports of the State Treasurer, has considered the same and report it back with the recommendation that it do pass."

Bill ordered printed.

Also: "Mr. Speaker: Your Committee on State Boards and Officers to which was referred House Bill No. 296, an act to amend section 410 of the Political Code, relating to the fees of the Secretary of State, has considered the same and report it back with the recommendation that it do pass."

Bill ordered printed.

Also: "Mr. Speaker:—Your Committee on State Boards and Officers to which was referred Senate Bill No. 57, a bill for an act to provide for the investment of the money in the State Normal School Board Fund, has considered the same and reports it back with the recommendation that it do pass."

Bill ordered placed on General Orders.

Also: "Mr. Speaker:—Your Committee on State Boards and Officers to which was referred House Bill No. 245, a bill for an act to provide for the location and construction of an asylum for the insane, having had same under consideration, report same back to the House with the recommendation that it be referred to the Committee on Appropriations."

Bill ordered printed.

By Conner: "Mr. Speaker:—Your Committee on Appropriations have considered House Bill No. 169, a bill for an act entitled an act appropriating money for the relief and benefit of the State Orphans Home, have amended the same and recommend that it do pass as amended.

Also, we have considered House Bill No. 97, a bill for an act entitled an act to amend an act providing for Farmers Institutes, and making an appropriation therefor, and amended the same and recommend that it do pass as amended."

On motion of Faust, report adopted and bill ordered printed.

By Conner:—"Mr. Speaker:—Your Committee on Appropriations have considered House Bill No. 130, a bill for an act appropriating money for the purpose of providing additional Dormitory accommodations for the State Normal School at Dillon, Montana, and recommend that it be indefinitely postponed.

Also, that House Bill No. 184, a bill for an act entitled an act appropriating money for manual training work at the State Reform School and for the extension and improvement of said school, has been under consideration, and we report same back with the recommendation that it do pass."

On motion of Story, report adopted. House Bill No. 130 indefinitely postponed.

House Bill No. 184 ordered printed.

Also: "Mr. Speaker:—Your Committee on Appropriations have considered House Bill No. 258, a bill for an act making an appropriation for the State Bureau of Child and Animal Protection for the years 1903 and 1904, and report the same back without recommendation."

On motion of Stapleton, bill ordered printed.

Also: "Mr. Speaker:—Your Committee on Appropriations have considered House Bill No. 196, a bill for an act appropriating money for purchasing and placing metallic fixtures and shelving for the Historical Library and Miscellaneous Department of the State Library, and recommend that it do pass as amended."

Report adopted. Bill ordered printed.

By Tooley:—"Mr. Speaker:—Your Committee on Enrollment beg leave to report that House Bill No. 232 was delivered to His Excellency, the Governor, at 10.50 A. M. Feb. 23, 1903."

Also: "Mr. Speaker:—Your Committee on Enrollment beg leave to report that House Bill No. 231 was delivered to His Excellency, the Governor, at 10.10 A. M. Feb. 23, 1903."

Also: "Mr. Speaker: Your Committee on Enrollment report that House Bill No. 137, an act appropriating money for the payment of the claim of Conley & McTague for the care of prisoners at the State Penitentiary at Deer Lodge, was delivered to His Excellency, the Governor, at 10.50 A. M., Feb. 23, 1903."

Also: "Mr. Speaker:—Your Committee on Enrollment report that House Bill No. 138, an act appropriating money for the payment of the claim of the Butte Machinery and Specialty Company, account installation of heating plant at State Penitentiary at Deer Lodge, was delivered to His Excellency, the Governor, at 10.50 A. M. Feb. 23, 1903."

By Wilson of Cascade: "Mr. Speaker:—Your Committee on Engrossment to whom was referred House Bills Nos. 173, 174, 244, 229, 32, 243, 203, 152, 120, 167, 236, 113, 263, 201, and H. J. M. No. 7, beg leave to report them as correctly engrossed."

By Tooley:—"Mr. Speaker:—Your Committee on Enrollment report that House Bill No. 121, was delivered to His Excellency, the Governor, at 10.50 A. M. Feb. 23, 1903."

Also: "Mr. Speaker:—Your Committee on Enrollment reports that House Bill No. 88, an act to prescribe the method of the publication of the laws of the Legislative Assemblies of the State of Montana, was delivered to the Governor at 10.50 A. M. Feb. 23, 1903."

Also: "Mr. Speaker:—Your Committee on Enrollment report that House Bill No. 93, an act to amend section 1821 of the Code of Civil Procedure, relating to motions and orders, was delivered to His Excellency, the Governor, at 10.50 A. M. Feb. 23, 1903."

Also: "Mr. Speaker:—Your Committee on Enrollment report that House Bill No. 53, an act to define the word "estrays" and provide a penalty for the taking up, using or disposing of estrays upon the public domain, was delivered to the Governor at 10.50 A. M. Feb. 23, 1903."

Also: "Mr. Speaker:—Your Committee on Enrollment report that House Bill No. 86, an act entitled an act to appropriate to J. M. Page the sum of Six Hundred and Eighty-five Dollars and eighty-four cents, for services rendered the state of Montana as State Land Agent from Aug. 7, 1897, to Oct. 25, 1897, inclusive, was delivered to His Excellency, the Governor, at 10.50 A. M., Feb. 23, 1903."

Mr. Speaker announced that he was about to sign S. J. M. Nos. 1 and 2, and Senate Bills Nos. 5, 7, 13, 14, 24 and 15.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Everett:—H. B. No. 323. An act to amend section 1886 of Title 8, Division 2, Part 4, of the Civil Code and to provide 2 additional sections to said title to be numbered 1903 and 1904, respectively, relating to the appropriation of water for beneficial purposes and defining the rights of appropriation.

By Committee on Ways and Means:—H. B. No. 324. An act to amend section 4062 of the Political Code of the State of Montana as the same is now in force after amendment by an act entitled an act to amend section 4062 of Article 2, Chapter 13, Political Code of Montana, relating to licenses.

Also: H. B. No. 325. A bill for an act to amend Article 2 of Chapter 13 Title 10, Part 3, of the Political Code of the State of Montana, by adding thereto an additional section numbered 4084, relating to licenses.

By Committee on Appropriations:—H. B. No. 326. An act making an appropriation for the payment of the claims of the National Guard, account money due the various companies.

Also: H. B. No. 327. An act making appropriation for the payment of the claim of the Helena Ice Company, account supplies furnished the State Capitol building.

Also: H. B. No. 328. An act making an appropriation for the payment of the claim of the Rocky Mountain Bell Telephone Co.

By Lienemann, by unanimous consent:—H. B. No. 329. A bill for an act for the protection of quartz lode mining claims and for the ascertainment of any underground trespassing thereon.

By Committee on Affairs of Cities, by unanimous consent:—H. B. No. 330. An act to amend sections 14, 15, 27, 31 and 44 of House Bill No. 204, entitled an act relating to public improvements in cities and towns and repealing sections 4817, 4818, 4819, 4820, 4821, 4822, 4823, 4824, 4825, 4826, 4827, 4828, 4829, 4830, 4880, 4881, 4882, 4883, 4884, 4885, 4886, 4887, 4888, 4889, 4890, 4891, 4892, 4893, 4894, 4895, 4896, 4897, 4898, and 4899 of the Political Code of the State of Montana.

By MacGinniss, by unanimous consent:—H. B. No. 331. An act to provide for two additional judges of the Supreme Court.

By Committee on Appropriations: H. B. No. 332. A bill for an act making appropriations for the state institutions of Montana, for the fiscal years ending November 30, 1903, and November 30, 1904.

READING OF HOUSE BILLS & MEMORIALS.

Rice introduced the following resolution by unanimous consent:

BE IT RESOLVED, by the House of Representatives of the Eighth Legislative Assembly, that whereas, C. C. Bever, Chairman of the sub-committee of the Committee on Privileges and Elections has received the sum of Five Hundred and Twenty-five and 55-100 Dollars from the contestants in the Silver Bow Election contest, which amount covers all the expenses of said contest:

Now, Therefore, Be It Resolved that the said C. C. Bever be directed and empowered to pay said amount to the Clerk of this House, the said Clerk of the House to disburse said moneys as follows, to-wit:

1st. That said Clerk shall pay the sum of One Hundred and Ten and 75-100 Dollars to John Weston, County Clerk of Silver Bow County, Montana, for expenses incurred by the said John Weston in attending before said sub-committee of the Committee on Privileges and Elections, and producing the ballots cast at the last general election in Silver Bow County, as shown by his account filed with the said sub-committee and accompanied by the proper vouchers.

2nd. He shall pay to M. M. Race, Sergeant at Arms of this House the sum of Nine and 80-100 Dollars, account expenses incurred in serving subpoenae on the said John Weston, as appears from his voucher therefor.

3rd. He shall pay the balance of said amount, to-wit, Four Hundred and Five Dollars into the State Treasury of the State of Montana, to be deposited to the credit of the fund provided for in that certain appropriation bill entitled, a bill for an act appropriating money to pay the incidental expenses of the Eighth Legislative Assembly of the State of Montana, out of which fund was paid the expenses of employing nine clerks for nine days each, at \$5 per day each, in and about said contest."

On motion of Dwight, resolution was adopted.

On motion of King, rules suspended and bills read first and second times, by title only.

H. B. No. 317, read first and second times, and referred to Committee on Railroads and Transportation.

H. B. No. 318, read first and second times, and referred to Committee on Judiciary.

H. B. No. 319, read first and second times, and referred to Committee on Education.

H. B. No. 320, read first and second times, and referred to Committee on Insurance.

H. B. No. 321, read first and second times, and referred to Committee on Townships and Counties.

H. B. No. 322, read first and second times, and referred to Committee on State Boards and Officers.

H. B. No. 323, read first and second times, and referred to Committee on Irrigation and Water Rights.

H. B. No. 324, read first and second times, and referred to Committee on Affairs of Cities.

H. B. No. 325, read first and second times, and referred to Committee on Affairs of Cities.

H. B. No. 326, read first and second times, and referred to Committee on State Boards and Officers.

H. B. No. 327, read first and second times, and referred to Committee on State Institutions Public Buildings and Grounds.

H. B. No. 328, read first and second times, and referred to Committee on State Boards and Officers.

H. B. No. 329, read first and second times, and referred to Committee on Mines and Mining.

H. B. No. 330, read first and second times, and referred to Committee on Ways and Means.

H. B. No. 331, read first and second times, and referred to Committee on Judiciary.

H. B. No. 332, read first and second times, and referred to Committee on State Institutions Public Buildings and Grounds.

MESSAGES FROM THE SENATE.

The following messages were received:

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that Substitute for Senate Bill No. 71 was to-day read third time and passed and same is herewith transmitted for your concurrence.

X. K. STOUT, Secretary."

Substitute Senate Bill No. 71, read first and second times, and referred to Committee on Judiciary.

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that the following bills were read third time and passed and are here-

with transmitted for your concurrence: Senate Bills Nos. 59, 67, 70, 76, 78, 84 and 54.

Also that Substitute H. B. No. 135 was read third time and concurred in and is herewith transmitted.

Also that Substitute H. B. No. 119 was read third time and concurred in as amended, and same is herewith transmitted for your concurrence as amended.

Also, that objection was made to the first reading of House Bill No. 129 for the reason that the same bill has passed the Senate and is now in the hands of the House, and the same is herewith returned.

X. K. STOUT, Secretary."

Substitute for House Bill No. 119, on motion of Miller, the amendment concurred in and bill ordered enrolled.

Substitute for House Bill No. 135, bill ordered enrolled.

READING OF SENATE BILLS.

Senate Bill No. 59, read first and second times, and referred to Committee on Fairs and Expositions.

On motion of Bever, rules suspended and Senate Bills Nos. 67, 70, 76, 78, 84 and 54 read first and second times by title only.

S. B. No. 67, read first and second times, and referred to Committee on Education.

S. B. No. 70, read first and second times, and referred to Committee on Railroads and Transportation.

S. B. No. 76, read first and second times, and referred to Committee on Judiciary.

S. B. No. 78, read first and second times, and referred to Committee on Judiciary.

S. B. No. 84, read first and second times, and referred to Committee on Railroads and Transportation.

S. B. No. 54, read first and second times, and referred to Committee on Education.

MESSAGES FROM SENATE.

The following messages were received from the Senate:

"Feb. 20, 1903.

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that notices of the introduction of bills were given as follows:—

By Brennen:—A bill for an act to amend sections 2217, 2218, 220, and 2221 of the Code of Civil Procedure of Montana, relating to eminent domain.

By Ralston:—A bill to amend section 2957, Article 2, Chapter 5, Title 7, Part 3 of the Political Code, relating to the annual report of the Stock Commissioners.

Also, that the following bill was introduced and read first and second times:—

S. B. No. 91, by Kennedy: A bill for an act to amend section 4233 of the Political Code of the State of Montana, relating to county printing.

X. K. STOUT, Secretary."

Also:

"Feb. 23, 1903.

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that the following bills were to-day introduced and read first and second times:—

S. B. No. 92, by Mahon. A bill for an act entitled an act to amend section 5117, Part 4, Title 3, Chapter 8, Article 2, of the Political Code of the State of Montana, relating to the duties and authority of the Trustees of Townsites.

S. B. No. 93, by Ralston. A bill for an act to amend section 2957, Article 2, Chapter 5, Title 7, Part 3 of the Political Code, relating to the annual report of the Board of Stock Commissioners.

S. B. No. 94, by Brennen, by request. A bill for an act entitled an act to amend sections 2217, 2218, 2220 and 2221 of the Code of Civil Procedure

of the State of Montana, relating to eminent domain.

S. B. No. 95, by Whipple. An act entitled an act to provide for the apportionment of membership and representation of the several counties of Montana, in the House of Representatives of Legislative Assemblies of Montana, and to fix the number of members thereof.

S. B. No. 96, by Brennen, by request. A bill for an act to create McKinley County, to define its boundaries, to provide for its organization and government and to alter the boundaries of Missoula County to conform to the counties of McKinley County.

S. B. No. 97, by Murray. A bill for an act amending an act entitled an act to authorize the appointment of a commissioner for the measurement and division of water under decrees of courts in certain cases.

S. B. No. 98, by Sherlock.—A bill for an act entitled an act providing for the election of a State Examiner, State Inspector of Mines, State Coal Mine Inspector, Game Warden, Register of State Land Office, State Land Agent, State Veterinarian, and a Commissioner of Agriculture and Labor.

S. B. No. 99, by Biggs. A bill for an act to amend section 4760 of the Political Code of the State of Montana, relating to vacancies in elective offices of cities."

X. K. STOUT, Secretary."

THIRD READING OF BILLS.

House Bill No. 173, read third time and passed by the following vote:

Ayes:—Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Dempster, Duggan, Everett, Farmer, Faust, Flaherty, Gangner, Giltinan, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Miller, Miles, Morrissey, Mullins, McCone, Noble, O'Keefe, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Story, Sykes, Teal, Tolman, Tooley, Vagg, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word, Mr. Speaker—59.

Nays, Conner—1.

House Bill No. 174; on motion of Bever, rules suspended and bill read by title only; passed by the following vote:

Ayes:—Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Duggan, Dwight, Everett, Farmer, Faust, Flaherty, Gangner, Giltinan, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Miller, Miles, Morrissey, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pelletier, Rice, Sales, Schwend, Shannon, Stadler, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word, Mr. Speaker—63.

Nays None.

House Bill No. 244: on motion of Miller, rules suspended, bill read by title only, and passed by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Dwight, Everett, Farmer, Faust, Gangner, Giltinan, Harrison, Hefferlin, Hilger, Hilman, Johnson, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Miller, Miles, Morrissey, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pelletier, Rice, Sales, Schwend, Shannon, Stadler, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word, Mr. Speaker—61.

Nays None.

House Bill No. 229: on motion of Bever, rules suspended, bill read by title only, and passed by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dwight, Everett, Farmer, Faust, Flaherty, Gangner, Giltinan, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Miller, Miles, Morrissey, Mullins, McCone,

MacDonald, MacGinniss, Noble, O'Keefe, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word, Mr. Speaker—61.

Nays None.

House Bill No. 32, read third time and passed by the following vote:

Ayes:—Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Duggan, Everett, Faust, Flaherty, Giltinan, Harrison, Hefferlin, Hilger, Johnson, King, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Miller, Miles, Morrissey, McCone, MacDonald, MacGinniss, O'Keefe, Owen, Rice, Sales, Schwend, Shannon, Stadler, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—53.

Nays:—Dwight, Farmer, Gangner, Hilman, Lancaster, Mullins, Noble, Pelletier—8.

House Bill No. 243: on motion of Lanstrum, rules suspended, bill read by title only, and passed by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Duggan, Dwight, Everett, Faust, Flaherty, Gangner, Giltinan, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Miller, Miles, Morrissey, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pelletier, Rice, Sales, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—62.

Nays, Self—1.

House Bill No. 203: on motion of Miller, rules suspended, bill read by title only and passed by the following vote:

Ayes:—Allen, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Duggan, Dwight, Everett, Farmer, Faust, Flaherty, Giltinan, Harrison, Hefferlin, Hilger, Hilman, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Miller, Morrissey, Mullins, McCone, MacGinniss, O'Keefe, Owen, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word, and Mr. Speaker—58.

Nays: Gangner, Johnson, Miles, MacDonald, Noble—5.

House Bill No. 152: read third time and passed by the following vote:

Ayes:—Allen, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Burt, Cannon, Conner, Duggan, Dwight, Everett, Faust, Flaherty, Giltinan, Hefferlin, Hilger, Hilman, Johnson, Lancaster, Lanstrum, Lienemann, Linderman, Lynch, Miller, Morrissey, Mullins, McCone, Noble, O'Keefe, Owen, Pearson, Pelletier, Self, Shannon, Stadler, Swindlehurst, Teal, Wilson of Cascade, Wilson of Lewis and Clarke and Wood—43.

Nays:—Buchanan, Farmer, Gangner, King, Lehsou, Miles, MacDonald, Rice, Sales, Schwend, Story, Sykes, Tolman, Tooley, Vagg, Woodworth, Word and Mr. Speaker—18.

House Bill No. 120: on motion of Faust, rules suspended, bill read by title only and passed by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Dempster, Duggan, Everett, Farmer, Faust, Flaherty, Gangner, Harrison, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Miller, Miles, Morrissey, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pearson, Pelletier, Rice, Sales, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—63.

Nays:—Conner, Dwight, Giltinan, Self, 4.

House Bill No. 167: on motion of Bever, bill re-referred to Committee on Engrossment.

On motion of Dempster, at 12.05 P. M., the House took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

House re-assembled at 2 o'clock P. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

THIRD READING OF BILLS (Continued)

House Bill No. 236: on motion of Bever, rules suspended, bill read by title only and passed by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Burt, Dempster, Downey, Dwight, Everett, Farmer, Faust, Flaherty, Gangner, Giltinan, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Miller, Miles, Morrissey, Mullins, McCone, MacGinniss, Noble, O'Keefe, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—62.

Nays None.

House Bill No. 113: on motion of Miller, rules suspended, bill read by title only, and passed by the following vote:

Ayes: Allen, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Bever, Brownlee, Burt, Cannon, Downey, Dwight, Everett, Farmer, Faust, Flaherty, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Miller, Miles, Morrissey, Mullins, McCone, MacDonald, Noble, Owen, Rice, Sales, Self, Stadler, Story, Swindlehurst, Sykes, Teal, Tooley, Vagg, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—50.

Nays:—Beaudry, Duggan, Gangner, MacGinniss, O'Keefe, Pelletier, Schwend, Stapleton, Tolman, and Webb—10.

House Bill No. 263: on motion of Bever, rules suspended, bill read by title only and passed by the following vote:

Ayes:—Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Downey, Dwight, Farmer, Faust, Flaherty, Harrison, Hilger, Hilman, Johnson, King, Lancaster, Lehsou, Lienemann, Linderman, Lynch, Miller, Miles, Morrissey, Mullins, McCone, MacDonald, Noble, O'Keefe, Owen, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word, and Mr. Speaker—57.

Nays:—Benson, Gangner, Hefferlin—3.

House Bill No. 201: on motion of Faust, rules suspended, bill read by title only and passed by the following vote:

Ayes:—Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Downey, Dwight, Farmer, Faust, Flaherty, Harrison, Hefferlin, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Miller, Miles, Morrissey, McCone, MacDonald, Noble, Owen, Pearson, Rice, Sales, Self, Stadler, Stapleton, Story, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word, Mr. Speaker—53.

Nays:—Gangner, Hilger, O'Keefe, Schwend and Swindlehurst—5.

House Joint Memorial No. 7: on motion of Faust, rules suspended, memorial read by title only and passed by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Downey, Dwight, Everett, Farmer, Faust, Flaherty, Gangner, Giltinan, Harrison, Hilger, Hilman, Johnson, Lancaster, Lanstrum, Lienemann, Lin-

derman, Lynch, Miller, Miles, Mullins, McCone, MacDonald, O'Keefe, Owen, Pearson, Pelletier, Rice, Sales, Self, Schwend, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—59.

Nays None.

Senate Bill No. 48 read third time and concurred in by the following vote:

Ayes:—Allen, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Downey, Duggan, Dwight, Everett, Farmer, Faust, Flaherty, Gangner, Giltinan, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Miller, Miles, Mullins, McCone, MacDonald, Noble, O'Keefe, Owen, Pearson, Pelletier, Rice, Sales, Schwend, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tooley, Vagg, Webb, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—60.

Nays:—Self and Shannon—2.

Senate Bill No. 31: on motion of Miller, rules suspended, bill read by title only, and concurred in by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Brownlee, Buchanan, Burt, Cannon, Duggan, Dwight, Farmer, Flaherty, Giltinan, Harrison, Hefferlin, Hilger, Johnson, King, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Miller, Miles, Mullins, McCone, MacDonald, O'Keefe, Owen, Pearson, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—57.

Nays:—Conner, Gangner, Hilman, Lancaster, Noble—5.

Senate Bill No. 45: on motion of Bever, rules suspended, bill read by title only and concurred in by the following vote:

Ayes:—Bray of Lewis and Clarke, Bray of Rosebud, Benson, Bever, Brownlee, Burt, Cannon, Conner, Duggan, Dwight, Everett, Faust, Giltinan, Harrison, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Linderman, Miller, Miles, McCone, MacDonald, Noble, Owen, Pearson, Rice, Sales, Self, Schwend, Stadler, Story, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Wilson of Lewis and Clarke, Woodworth and Mr. Speaker—43.

Nays:—Arthur, Axtell, Beaudry, Downey, Farmer, Flaherty, Gangner, Hilger, Lienemann, Lynch, Mullins, MacGinniss, O'Keefe, Pelletier, Shannon, Stapleton, Swindlehurst, Whiteley, Wood and Word—20.

Schwend gave notice of motion to reconsider the vote just taken on Senate Bill No. 45.

Senate Bill No. 44: on motion of Lanstrum, rules suspended, bill read by title only, and concurred in by the following vote:

Ayes:—Bray of Lewis and Clarke, Bray of Rosebud, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dwight, Everett, Faust, Giltinan, Harrison, Hefferlin, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Linderman, Miller, Miles, McCone, MacDonald, Noble, Owen, Rice, Sales, Self, Schwend, Stadler, Story, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Williams, Wilson of Lewis and Clarke, Wilson of Cascade, Woodworth, and Mr. Speaker—45.

Nays:—Arthur, Axtell, Beaudry, Dempster, Downey, Duggan, Farmer, Flaherty, Gangner, Hilger, Lienemann, Lynch, Morrissey, Mullins, MacGinniss, O'Keefe, Pelletier, Shannon, Stapleton, Swindlehurst, Whiteley, Wood and Word—23.

Schwend gave notice of motion to reconsider the vote just taken on Senate Bill No. 44.

Senate Bill No. 10: on motion of Miller, rules suspended, bill read by title only and concurred in by the following vote:

Ayes:—Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Downey, Duggan, Dwight, Everett, Faust, Flaherty, Giltinan, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Miller, Miles, Morrissey, Mullins, McCone, MacDonald, Noble, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Story, Swin-

dlehurst, Sykes, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—60.

Nays: Gangner and O'Keefe—2.

Senate Bill No. 53: on motion of Bray of Lewis and Clarke, rules suspended, bill read by title only and concurred in by the following vote:

Ayes:—Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Downey, Duggan, Dwight, Everett, Faust, Flaherty, Gangner, Giltinan, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Miller, Miles, McCone, MacDonald, Noble, Owen, Pearson, Pelletier, Rice, Sales, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Webb, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Woodworth and Mr. Speaker—56.

Nays: Farmer, Lynch, Morrissey, Mullins, and O'Keefe—5.

Senate Bill No. 32: on motion of Story, rules suspended, bill read by title only and concurred in by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Downey, Duggan, Dwight, Everett, Farmer, Faust, Flaherty, Gangner, Giltinan, Harrison, Hilger, Hilman, Johnson, King, Lancaster, Lehsou, Lienemann, Linderman, Miller, Miles, McCone, MacDonald, Noble, O'Keefe, Owen, Pearson, Pelletier, Rice, Sales, Self, Shannon, Stadler, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Williams, Wilson of Cascade, Wilson of Lewis & Clarke, Wood, Woodworth, Word—57.

Nays:—Beaudry, Lynch, Morrissey, Mullins, Schwend, Stapleton, Whiteley, and Mr. Speaker—8.

Senate Bill No. 38: on motion of Miller, rules suspended, bill read by title only and concurred in by the following vote:

Ayes:—Allen, Bray of Lewis and Clarke, Bray of Rosebud, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Downey, Duggan, Dwight, Faust, Flaherty, Giltinan, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Linderman, Miller, Miles, McCone, MacDonald, Noble, Owen, Pearson, Rice, Sales, Self, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Williams, Wilson of Cascade, Wilson of Lewis & Clarke, Wood, Woodworth, Word and Mr. Speaker—52.

Nays: Axtell, Beaudry, Farmer, Gangner, Lienemann, Lynch, Morrissey, Mullins, MacGinniss, O'Keefe, Pelletier, Schwend, Shannon, and Whiteley—14.

Senate Bill No. 6: on motion of Harrison, bill read by title only and concurred in by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Downey, Duggan, Dwight, Farmer, Faust, Flaherty, Gangner, Giltinan, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lienemann, Linderman, Miller, Miles, Morrissey, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—63.

Nays None.

Substitute Senate Bill No. 12: on motion of Conner, rules suspended, bill read by title only, and concurred in by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Rosebud, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Downey, Dwight, Everett, Farmer, Faust, Flaherty, Giltinan, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lehsou, Lienemann, Linderman, Lynch, Miller, Miles, Morrissey, Mullins, McCone, MacDonald, Noble, O'Keefe, Owen, Rice, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—60.

Nays: Bray of Lewis and Clarke, Beaudry, Gangner, Lanstrum, and Pelletier—5.

Senate Bill No. 11: on motion of Story rules suspended, bill read by title only and concurred in by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Bever, Brownlee, Buchanan, Burt, Cannon, Dempster, Downey, Duggan, Farmer, Faust, Flaherty, Harrison, Hefferlin, Hilger, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Miles, Mullins, McCone, MacDonald, MacGinniss, Owen, Pearson, Pelletier, Rice, Sales, Stadler, Stapleton, Swindlehurst, Teal, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Woodworth, Word and Mr. Speaker—52.

Nays:—Conner, Dwight, Gangner, Giltinan, Hilman, Miller, Morrissey, Noble, O'Keefe, Self, Schwend, Shannon, Story, Sykes, Tolman, and Wood—16.

Senate Bill No. 28: on motion of Harrison, rules suspended, bill read by title only and concurred in by the following vote:

Ayes:—Allen, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Duggan, Farmer, Faust, Flaherty, Gangner, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Miller, Miles, Morrissey, Mullins, McCone, MacDonald, O'Keefe, Owen, Pearson, Pelletier, Rice, Sales, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—57.

Nays:—Dwight, Noble, and Self—3.

Lanstrum, by unanimous consent, introduced a communication from Laor Assembly, concerning printing.

Cannon moved that the order of business revert to order of business No. 3, on which a division was called for—Ayes 41, Nays 25—Motion Lost.

Webb introduced the following, by Committee on Rules:

“Mr. Speaker:—Your Committee on Rules respectfully recommend the adoption of the following Special Rule:—That immediately after the adoption of this rule and without further motion or delay, or debate, the House shall revert to Order of Business No. 3, reports of standing committees, and that such reports, if there be any, shall be then acted on.”

(signed) WEBB,
LANSTRUM,
GEO. McCONE.

Stapleton rose to a point of order, that the rule is out of order in that it requires a two-thirds vote in order that it be adopted.

Mr. Speaker ruled the point not well taken.

Stapleton moved that the further consideration of the rule be postponed until 10.10 A. M. to-morrow.

Conner moved that the previous question be ordered.

MacGinniss moved to lay the motion on the table.

Mr. Speaker ruled the motion to lay on the table, out of order.

On previous question, a division was called for—Ayes 39, Nays 27—Carried.

The question recurring upon the adoption of report of Committee on Rules, a division was called for—Ayes 42, Nays 25—Carried.

Stapleton moved, Schwend seconded, that the roll be called—Motion Lost.

Stapleton moved that business under Order No. 3 be postponed until 10 o'clock A. M. to-morrow. Lost.

Self made the following majority report:—

“Mr. Speaker:—We, a majority of your Committee on Judiciary, to whom was referred Substitute for Senate Bill No. 71, entitled an act to provide for the designation and appointment of a district judge to temporarily hold court in another district than his own, and to perform the official duties of the district judge of such district where such judge is biased or prejudiced, or for any cause disqualified from performing the same,—beg leave to say that we have had said bill under consideration, and report the same back

to the House without amendments, and without the recommendation that it be placed on General Orders."

(signed) JAMES M. SELF,
GEO. McCONE,
CHAS. F. WORD,
HENRY J. FAUST,
THOS. M. EVERETT,
ROBT. BROWNLEE,
HENRY VAGG.

Stapleton made the following minority report:—

"Mr. Speaker:—I, a minority of your Committee on Judiciary, to whom was referred Substitute for Senate Bill No. 71, entitled an act to provide for the designation and appointment of a district judge to temporarily hold court in another district than his own, and to perform the official duties of the district Judge of such district where such judge is biased or prejudiced or for any cause disqualified from performing the same,—beg leave to say that I have had said bill under consideration and report the same back to the House with the recommendation that it be not concurred in."

(signed) GUY W. STAPLETON.

King moved, Dwight seconded, that the majority report be adopted—Carried.

By Cannon:—"Mr. Speaker:—Your Committee on Railroads and Transportation, to whom was referred Senate Bill No. 56, an act making the wilful or malicious taking or removing of the waste, packing, brass or brasses from any journal box or boxes from any locomotive, engine, tender, carriage, coach, car, caboose or truck used or operated or capable of being used or operated upon any railroad, whether the same be operated by steam or electricity, a felony and providing penalties therefor, beg to recommend that same do pass as amended."

On motion of Cannon, report adopted and bill placed on General Orders.

By Conner:—"Mr. Speaker:—Your Committee on Appropriations have considered House Bill No. 289, a bill for an act entitled an act to create and establish a home for crippled and disabled citizens of the State of Montana, to provide for its management, and to make an appropriation therefor,—and report same back with the recommendation that it be indefinitely postponed."

Conner moved that the report be adopted, upon which a division was called for—Ayes 39, Nays 18—Motion carried and bill indefinitely postponed.

King moved as follows:—

"I move that the House now resolve itself into a Committee of the Whole for consideration of Substitute for Senate Bill No. 71, and that debate be closed; and that amendments be limited to three to each section."

MacGinniss requested a roll call; seconded by Mullins.

Mr. Speaker ruled that a roll call could not be had except upon order of the House.

Upon a division of the House, Ayes 41 and Nays 29, the House resolved itself into a Committee of the Whole, on Substitute Senate Bill No. 71. Swindlehurst in the chair.

House resumed. Mr. Speaker in the chair.

Swindlehurst made the following report:

"Mr. Speaker:—Your Committee of the Whole, having had under consideration Substitute Senate Bill No. 71, beg leave to report that we have considered said bill and recommend that it be concurred in."

Stapleton offered the following:—

"Mr. Speaker:—We, the undersigned members of the House of Representatives of the Eighth Legislative Assembly, hereby demand that the ayes and noes be taken upon the adoption of this motion, recommending the concurring in Substitute for Senate Bill No. 71, and that the ayes and noes shall be entered on the Journal of this House."

(signed) GUY W. STAPLETON,
JOHN MACGINNISS.

Webb moved the adoption of the report, upon which roll was called, with the following result:

Ayes:—Allen, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Burt, Cannon, Conner, Duggan, Dwight, Everett, Faust, Giltinan, Harrison, Hefferlin, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Linderman, Miller, Miles, McCone, MacDonald, Noble, Rice, Sales, Self, Stadler, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Woodworth, Word and Mr. Speaker—47.

Nays:—Arthur, Axtell, Buchanan, Dempster, Downey, Farmer, Flaherty, Gangner, Hilger, Lienemann, Lynch, Morrissey, Mullins, MacGinniss, O'Keefe, Owen, Pearson, Pelletier, Schwend, Shannon, Stapleton, Whiteley, Wood—23.

Lynch moved that when the House adjourn, it adjourn until 10 o'clock A. M. to-morrow.

Rice moved as an amendment that the time be 7.30 P. M. this evening, upon which a division was called for—Ayes 37, Nays 22—Carried.

Webb moved as follows:

"Mr. Speaker:—I move the previous question upon Substitute for Senate Bill No. 71, the motion, if carried, to carry said bill through third reading and up to its final passage."

Lynch moved to adjourn—Lost.

By King:—King moved that the rules be now suspended and Substitute for Senate Bill No. 71 be placed on third reading and be concurred in", upon which roll was called with the following result:

Ayes:—Bray of Lewis and Clarke, Bray of Rosebud, Bever, Brownlee, Burt, Cannon, Conner, Duggan, Dwight, Faust, Giltinan, Harrison, Hefferlin, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Linderman, Miller, Miles, McCone, MacDonald, Noble, Rice, Sales, Self, Story, Swindlehurst, Sykes, Tolman, Tooley, Vagg, Webb, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Woodworth and Mr. Speaker—41.

Nays:—Allen, Axtell, Beaudry, Benson, Buchanan, Dempster, Downey, Farmer, Flaherty, Gangner, Hilger, Lienemann, Lynch, Morrissey, Mullins, MacGinniss, O'Keefe, Owen, Pelletier, Schwend, Shannon, Stadler, Stapleton, Teal, Whiteley, Wood, and Word—27. Motion Carried.

Whiteley moved to adjourn—a division being called for—Ayes 24, Nays 39—Motion Lost.

Webb, from Committee on Rules moved as follows:—"Mr. Speaker:—Your Committee on Rules respectfully recommend the adoption of the following special rule: That immediately after the adoption of this rule and without further motion or delay the House shall proceed to order of business No. 10, third reading of Senate Bills, and that Substitute for Senate Bill No. 71 be placed on its third reading."

(signed) WEBB.

LANSTRUM.

Upon its adoption, roll was called with the following result:

Ayes:—Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Bever, Brownlee, Burt, Cannon, Conner, Duggan, Dwight, Everett, Faust, Giltinan, Harrison, Hefferlin, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Linderman, Miller, Miles, McCone, MacDonald, Noble, Rice, Sales, Self, Stadler, Story, Sykes, Tolman, Tooley, Vagg, Webb, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Woodworth and Mr. Speaker—43.

Nays:—Axtell, Beaudry, Benson, Buchanan, Dempster, Downey, Farmer, Flaherty, Gangner, Hilger, Lienemann, Lynch, Morrissey, Mullins, MacGinniss, O'Keefe, Owen, Pelletier, Schwend, Shannon, Stapleton, Swindlehurst, Whiteley, Wood and Word—25.

Motion carried and rule adopted.

Downey moved to adjourn—Motion Lost.

Substitute for Senate Bill No. 71 read third time and concurred in by the following vote:—

Ayes:—Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Burt, Cannon, Conner, Duggan, Dwight, Everett, Faust, Giltinan, Harrison, Hefferlin, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Linderman, Miller, Miles, McCone, MacDonald, Noble, Pearson, Rice, Sales, Self, Stadler, Story, Swindlehurst, Sykes, Teal,

To'man, Tooley, Vagg, Webb, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Woodworth, Word and Mr. Speaker—49.

Nays:—Axtell, Buchanan, Dempster, Farmer, Flaherty, Gangner, Hilger, Lieremann, Lynch, Morrissey, Mullins, MacGinniss, O'Keefe, Owen, Pelle'ier, Schwend, Shannon, Stapleton, Whiteley, Wood,—21.

King moved to reconsider the vote to recess until 7.30 o'clock P. M. Carried.

Lanstrum moved to take a recess until 8 o'clock P. M.

Lynch moved as an amendment that the House adjourn until 10 o'clock

A. M. to-morrow. Carried.

At 6.30 P. M. the House adjourned.

B. F. WHITE,
Speaker.

NATHAN GODFREY,
Chief Clerk.

FIFTY-SECOND DAY

Wednesday, February 25th, 1903.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called, all members present except Teal.

Prayer by the Chaplain.

Faust made the following report:

"Mr. Speaker:—Your Journal Committee beg leave to report that they have examined the Journal for the 47th day of this session and find the same correct."

Also: "Mr. Speaker:—Your Journal Committee beg leave to report that they have examined the Journal for the 50th day of this session and find same correct."

A communication from citizens of Carbon County, asking for passage of Irrigation Bill, was received.

A protest was received from citizens of Gallatin Valley, against the passage of irrigation bill No. 133.

REPORTS OF STANDING COMMITTEES.

The following reports were made:

By Self:—"Mr. Speaker:—Your Committee on Judiciary to whom was referred Substitute for House Bill No. 52, entitled an act to amend an act approved March 4, 1897, entitled an act to amend sections 490 to 506 inclusive, being all of Article XI, Chapter III, Title I, Part III of the Political Code of Montana, providing for the appointment of a State Examiner and defining his duties, and powers, having been referred to your Committee upon the recommendation of the committee of the whole House, beg leave to say that we have had said bill under consideration and report the same back to the House corrected in form and substance, with the recommendation that said bill be placed on General Orders, said bill having heretofore been reported to the House as correctly printed."

On motion of Dwight, report adopted, and bill referred to General Orders.

By King:—"Mr. Speaker:—Your Committee on Mines and Mining having had under consideration H. B. No. 150, an act to provide for operating mines when the working of such mines has been prevented by injunction or restraining order, report same back without recommendation."

On motion of King, bill ordered printed.

By Swindlehurst:—"Mr. Speaker:—Your Committee on Insurance to whom was referred House Bill No. 303, a bill for an act to regulate the adjustment of fire losses, respectfully report the same back to the House with the recommendation that it do pass."

Bill ordered printed.

By Story:—"Mr. Speaker:—Your Committee on Education to whom was

referred Senate Bill No. 33, an act to amend sections 1920, 1921, 1922, 1923, 1924, and 1925, Part III, Title III, of the Political Code of the State of Montana, and to provide for the compulsory education of all children between the ages of eight and sixteen, to establish Industrial Schools, equip and conduct the same, and to provide for the regulation of juvenile disorderly persons, report the same back to the House with the recommendation that it be concurred in."

Placed on General Orders.

Also: "Mr. Speaker:—Your Committee on Education to whom was referred Senate Bill No. 50, an act to create a Board of Text Book Commissioners for the purpose of establishing a uniform series of text books for the public schools of Montana and to regulate the supply of the same, define the duties and powers of such Board and to appropriate for their expenses a sum of money therein named, report the same back to the House with the recommendation that it be concurred in."

Bill placed on General Orders.

Also: "Mr. Speaker:—Your Committee on Education to whom was referred House Bill No. 319, a bill for an act to prohibit the sale of intoxicating liquors by the drink or glass at any saloon or place near a dwelling house, church or school house, respectfully report the same back to the House with the recommendation that it be indefinitely postponed."

On motion of Story, report adopted. Bill indefinitely postponed.

Also: "Mr. Speaker:—Your Committee on Education to whom was referred House Bill No. 147, a bill for an act to authorize and empower directors of School Districts and Boards of Education in incorporated cities, towns and villages, to direct what text books and apparatus shall be used in the schools under their charge, and to purchase school text books, apparatus and supplies, and to sell the said school text books to the pupils at cost, or to supply them to the pupils free of cost, respectfully report the same back to the House with the recommendation that it be indefinitely postponed."

On motion of Faust, report adopted. Bill indefinitely postponed.

By Tolman: "Mr. Speaker:—Your Committee on State Lands having had under consideration House Bill No. 132, beg leave to report that they have considered the same and report back the following substitute, and further recommend that the substitute do pass."

On motion of Dwight, report adopted. Substitute bill ordered printed.

Also: "Mr. Speaker:—Your Committee on State Lands, to whom was referred a report from the Governor relative to the State Arid Land Grant Commission, respectfully report that we have considered the same and recommend that said Board be abolished and a successor provided for said Board as outlined in Substitute for House Bill No. 132, and further recommend that the bonds now existing against District No. 2, amounting to \$132,000.00 be obtained from the present holders in return for the canal, water rights and right of way, which were deeded to the state for said bonds. While it is true that the state is not liable for these bonds, its good name is involved and these bonds might in the future be used to the injury of the state. It would therefore be better, in our judgment, if the bonds were returned to the state in exchange for the property and the bonds then cremated. Owing to the large indebtedness against this district, there is no probability that additional funds can be raised to carry out the project, and it is better to start afresh."

By Buchanan: "Mr. Speaker:—Your Committee on Printing beg leave to report H. B. Nos. 309, 314, 315, 316, and 261 as having been returned correctly printed."

By McCone: "Mr. Speaker:—Your Committee on Live Stock and Public Ranges having had under consideration House Bill No. 140, introduced by Graham, recommend that the substitute herewith for H. B. No. 140, do pass."

On motion of McCone, report adopted. Substitute bill ordered printed.

Also: "Mr. Speaker:—Your Committee on Live Stock and Public Ranges, to whom was referred Senate Joint Memorial Bill No. 3, beg leave to report the same back to the House with the recommendation that it be concurred in."

Bill placed on General Orders.

Also: "Mr. Speaker:—Your Committee on Live Stock and Public Ranges, having had under consideration House Bill No. 300, a bill for an act entitled an act to protect the range from fires along the right of way of railroads and to provide a penalty for the violation of this act, would recommend that the same do pass."

Bill ordered printed.

Also: "Mr. Speaker:—Your Committee on Live Stock and Public Ranges, having had under consideration House Bill No. 157, introduced by Hilger, would recommend that the substitute herewith for House Bill No. 157 do pass."

On motion of Hilger, report adopted. Substitute bill ordered printed.

By Miller: "Mr. Speaker:—Your Committee on State Boards and Officers, to which was referred House Bill No. 328, introduced by Committee on Appropriations, to appropriate money to pay the claim of R. M. Bell Telephone Co. for messages, etc. of state officers, has considered the same and report it back with the recommendation that it do pass."

Bill ordered printed: "Mr. Speaker:—Your Committee on Ways and Means to whom was referred House Bill No. 330, an act to amend section 14, 15, 27, 31 and 44, House Bill No. 204, entitled an act relating to public improvements in cities and towns and repealing sections 4817, 4818, 4819, 4820, 4821, 4822, 4823, 4824, 4825, 4826, 4827, 4828, 4829, 4830, 4880, 4881, 4882, 4883, 4884, and 4885, 4886, 4887, 4888, 4889, 4890, 4891, 4892, 4893, 4894, 4895, 4896, 4897, 4898 and 4899 of the Political Code of the State of Montana, approved March 8th, 1897, respectfully report the same back to the House with the recommendation that it do pass."

Bill ordered printed.

By McCone:—"Mr. Speaker:—Your Committee on Live Stock and Public Ranges having had under consideration House Bill No. 60, introduced by Tolman, would recommend that the substitute herewith presented for H. B. No. 60 do pass."

On motion of McCone, report adopted. Substitute bill ordered printed.

By Special Committee appointed to visit State Institutions:—"Mr. Speaker:—Your Special Committee appointed to visit the State Institutions report that we made a visit to the State Orphans Home at Twin Bridges, in Madison County, an institution that is supported in whole by the appropriations from the Legislature, same having no land grants and where destitution and dependence is the only price of admission. They do not provide for cripples, deformed or feeble-minded children, and only have those who have no parents and no home. The state provides the clothing and schooling, and everything needed for the children received there. We find the management and discipline of this institution admirable, there seems to be a disposition to make it as much like a family home as possible; the children are kept busy, the time being divided between study, work and play. This institution has three buildings well equipped for the purpose intended, and forty-two acres of land, and it undoubtedly needs an additional forty acres now under lease, which can be purchased, in the opinion of your committee, at a much less cost than at some future time. There are six cows and two horses owned by the state and there is much need that a barn be built. That in view of the fact that the building is lighted by one hundred coal oil lamps, that we most heartily recommend that an appropriation be set aside for the electric light and heating plant. The present heating plant is inadequate, and we learn from the management that two fires have started in the building caused by coal oil lamps. The home is beautifully situated in a pleasant and picturesque part in the southern part of our state; the attendance during the year has been about 120, two-fifths being girls and three-fifths boys, having come from the various counties of the state, and are generally bright and promising children. 84 of the children are in the school and the remainder are too young for school work. A fine sewerage system was during last year, added to the improvements, the health of the occupants is good, and we note that during over nine years in which the institution has been in existence, there has been but five deaths. Two of these were accidentally drowned, one have sickened and died in the institution, two having died after being brought

to the institution in bad health. We find the institution governed by a Board of Trustees, composed of the Honorable Pat Carney, President, J. S. Comfort, Sec., the Hon. Amos Eastman, Treasurer, Hon. Mort Elser and Hon. W. M. Oliver, and President Wiley Mountjoy and Mrs. Mountjoy, the matron thereof. These officers are the right people in the right place and giving entire satisfaction. They are doing everything in their power to make a good home for these orphans.

We also visited the Agricultural College situated at Bozeman, Gallatin County, Montana, and find that this institution is really an industrial institution, where not only agriculture is taught in all its branches, both theoretical and practical, but the students may if they so desire, receive a first class business education, a course in civil engineering, and several other courses that lead to technical work. This institution is supplied by the Federal Government with tools and implements, and they have an income from the land grants. In fact, five buildings have been erected from the money obtained upon bonds. These bonds being based upon the lands owned by the institution, and many improvements about the premises were made from profits of the work, labor and capital of the school. About 280 students attend, one-half of whom are women. The women are not only taught the various branches but receive instructions relative to house-keeping. Students come from 17 counties of the State. Twenty-three are in the Agricultural Department proper, about 80 in the practical business courses, while 20 are taking courses in engineering and other professional studies, and the remainder in the preparatory classes. The requirements of admission, while varied and dependent upon the department sought to be entered, are such as to allow the ambitious to prepare themselves for their various professions. To enter the preparatory department, it is necessary for the applicant to be a graduate of the Eighth Grade taught in our public schools. There is want of room in the buildings of this college, and the management is very anxious to secure additional quarters for the biological department, which is now domiciled with the agricultural department, and there is need of dormitories, especially for the female students, who must during the inclement weather attend the institution from the town of Bozeman some distance away. The Laboratory consists of only two small rooms, where fifty students are compelled to work, and we call special attention to the fact that appropriation should be made for the building of a barn, and this by reason of the fact that many experiments are being conducted in the feeding of stock (different kinds of stock and different kinds of Feed) and this cannot be successfully accomplished unless there is better shelter provided. In making appropriations for this and like institutions of this state, we think it should be taken into consideration that we are building for the future as well as for the present, and that good buildings will advertise the institutions and secure more students. A boy from a first-class ranch or farm will hardly desire to enter the Agricultural College, unless the premises are at least as good as those owned by his father. The range of this state is rapidly disappearing and the urgent need of the state now is for better farming, more varied industries; and especially do our agriculturalists look forward to the feeding of stock and the production of butter and other dairy and stock interests. By fostering and encouraging our Agricultural College, these laudable enterprises will be the sooner available to the good of the people of the state.

Your Committee also visited the State Normal School located at Dillon, Beaverhead County, and we feel it proper here to state that the selection of Dillon, situated as it is in one of the most beautiful valleys of our state, was a wise act of our legislative department. The buildings in use by the normal school consist of a magnificent school building of two stories and basement, together with the dormitory for the use of the students who attend school from distant parts of the state. The buildings are heated, lighted and ventilated by an excellent system, and the equipment of these buildings meeting all the requirements at present necessary. Owing to the increased attendance it has become imperative that greater dormitory accommodations be provided for. While the present dormitory accommodations are only intended for fifty, it has become necessary to crowd 73 into them, and there are still twenty who are compelled to seek quarters outside

of the institution. Not only better discipline can be secured where the students reside at the dormitory, but the cost of living for the students will be greatly reduced. We urgently recommend that an addition to the dormitory be built to relieve the present crowded condition, and that the Eighth Legislature authorize the sale of bonds against the Normal School Land Grant in a sufficient amount to cover the cost of these improvements. Our visit extended to all departments of the school, and your committee take pleasure in reporting back to your Honorable that we have found this institution in excellent condition, and that we commend the State Board of Education and the faculty under them for the excellent and prosperous condition this educational institution has attained.

The unusual advantages this institution offers as a training school to those seeking a normal school education, are unsurpassed. In addition to the theoretical instructions received at the school, through the courtesy of the School Board at Dillon, the students are permitted to have practical training by teaching classes in the public schools of that city, under the experienced teachers of those schools, thereby combining theory with practice. The number of students enrolled is 113.

We also visited the State School for the Deaf and Blind situated at Boulder, Jefferson County, Montana, and here found 55 unfortunate but in many instances bright and intelligent boys and girls; 15 blind and 40 deaf. The buildings with their school rooms, dining-rooms, sleeping apartments, etc., were visited and thoroughly inspected, and seem well adapted to their use. The food of the scholars was also examined and found to be excellent; bedding clean and ample, and in the words of the biennial report of the State Board of Charities "there was a general air of cheer and contentment in the school, which was marked, and could not be overlooked."

The industrial department is made prominent in this school. In the carpenter shop articles of furniture are made and repaired by the pupils under the instructors. Some of the farm buildings were built by the boys, who have learned the carpenter trade, also conduct a little newspaper. The girls are taught to sew and are also engaged about the laundry, the blind being taught to work as well as the deaf. The land belonging to the institution is under cultivation, and we are told that in the summer time the inmates are glad to work raising vegetables, grain and small fruit. Many of the children are very apt and easily taught, and when graduated will make useful citizens. A great amount of patience and diligence is used by the instructors in teaching the little helpless deaf and blind charges under their control. This is one of the most interesting institutions in our entire State, and words fail to express the high appreciation felt by the committee upon viewing the noble work that is being done by the instructors. The present law provides "That as soon as possible in the judgment of the Board of Trustees by and with the consent of the State Board of Education, a separate building and premises, adjoining and yet distinct from those for the deaf and blind, should be provided for such feeble-minded children, which building and premises shall be more especially adapted to the peculiar needs of said feeble-minded", and the committee finds that in the State of Montana there are one hundred and six feeble-minded children of school age, whose parents will not allow them to be sent to the insane asylum, and in fact, such children should not be sent to the asylum for the insane; there is also about 16 in the Insane Asylum that could be cared for at a home for the feeble-minded, much better and at less expense than at the asylum. We are also informed that the state of Idaho has within its confines many children of this class who would be sent to Montana, if a proper home was provided, and the State of Idaho would pay the State of Montana for the care of such children as they would send to such an institution. In view of the fact that the state has already selected a site for such a home and that the management of the state school for the Deaf and Blind could also manage and care for the feeble-minded children, we earnestly advocate that a suitable appropriation be allowed for the building for these unfortunates.

Your Committee visited the State School of Mines situated at Butte, Silver Bow County, Montana. This institution has been in operation for two and one-half years, and has an attendance of 68 pupils. The Committee

found the work of the institution well organized and its faculty composed of men who are thoroughly qualified for the special duty assigned to each. The most prominent characteristic of the work done in this institution is the practical nature of the instruction given. It is claimed, and we believe acknowledged, that in no other school of this character are the pupils brought so directly and so continuously in contact with the actual problems and experience of the profession of the Mining Engineer as in Butte. It is declared purpose of the management of the school that no pupil shall be graduated from the institution who has not acquired a practical as well as a theoretical acquaintance with the various subjects embraced in the course. We find that the institution is in need of additional equipment in the various departments to enable it to carry on its work successfully. The present facilities for the classes in assaying are entirely inadequate, and an appropriation should be made for additional accommodation in this line. There is a large unfinished attic in the School of Mines building which should be finished off, as it is very much needed for the accommodation of the classes. There is also need of a material increase of the heating plant of the institution. The present plant which is good so far as it goes, is not sufficient for the rooms at present occupied, and must be enlarged to meet the demands of the greater space that must be used. The Committee examined carefully the detailed plans for these additions and is of the opinion that they will meet the wants of the institution in the best and most economical manner. For general equipment considerable additions are needed and should be granted so far as the funds at the disposal of the state will permit. We desire to express here our gratification in view of the character of the instruction given in the School of Mines, and to say that here, as in the other institutions we have visited in the state, we have been fortunate in securing efficient and capable teachers, trustees and managers."

On motion of Miles, report referred to Committee on Appropriations.

Also: "Mr. Speaker:—We, your Special Committee appointed to visit the state institutions of the State of Montana, beg leave to report as follows:—

We visited the Penitentiary at Deer Lodge, and after twenty hours investigation of the institution, find that this institution, managed by Messrs. Conley & McTague, has been progressive and fully abreast of the times and the modern idea of prison management. The two-fold idea of punishment and reform, realizing that the subject of reform is more vital than the object of vindicating the laws of the state, not only to the prisoner but as a protection of society, for most all of these prisoners have sentences to serve, after which they will again mingle with some element of the world's masses, they possess the great secret of successful prison management, two qualities essential in dealing with criminal characters, firmness and humanity, thereby overcoming the most refractory and strengthening the well-behaved, disarming resistance and bringing out and developing the better points of the natural disposition. There are about five hundred prisoners in this institution, of various ages from sixteen to three score years and ten, whose comfort and health are at all times carefully considered, and who have sufficient food and clothing. The discipline of the prison and the high regard entertained for the contractors is such that, since the prison passed to the control of the state, we are informed there has never been any attempt at mutiny or disturbance, and at the same time they handle the hardened and unruly convicts with severity as is necessary under the circumstances. The buildings at this institution, like all the other institutions visited by your committee, (except the insane asylum) are owned by the state. We found at the penitentiary that a new heating plant had been erected, which seems to be an entire success and adds greatly to the comfort of all concerned. 45 stoves formerly used by the institution were no longer needed and have been moved out of the prison. The prison has its own electric plant, great bake ovens, where a fine class of bread is turned out, fine shower baths, and steam laundry; in fact, the entire equipment is strictly modern and up to date. Especial mention is hereby made of ventilation, which we believe to be unsurpassed. The library to which the prisoners have access was presented with 3730 volumes by W. A. Clarke, Jr. Special attention is called to the fact that while the buildings used by the male prisoners are commodious and roomy, yet that part of the institution where women are confined is

overcrowded, and they have no opportunity whatever of taking any outdoor exercise, unless thrown in contact with the male prisoners; and we agree with the management that this would be unwise. The Governor in his message recommends that there be a suitable appropriation to erect a building for the use of female prisoners, with an enclosure. There are now 16 women prisoners confined in two small rooms and in connection with this appropriation it may be well to mention that there is one large and commodious structure erected about three years ago, which, under ordinary circumstances would cost from \$65,000.00 to \$75,000.00, but this structure was constructed at a cost to the state of only \$16,000.00. This great saving to the state was caused by the fact that convicts made the brick used therein, burned the lime, sawed the lumber and did all the labor, skilled and unskilled, in the construction of the same. Now, we, your Committee, would urgently recommend that a special appropriation of three thousand dollars be made, so that this building and enclosure could be erected. Having carefully considered the system upon which this institution is run and taking into consideration all the facts and circumstances connected therewith, we are confident that the institution is run at a great saving to the state and heartily recommend that there be no change from the contract system. We find from our investigation that both Messrs. Conley and McTague have had long experience in dealing with the criminal classes before they took charge of the institution, as well as a valuable experience they have had during the twelve years therein, and earnestly advise that they be retained in their present position."

On motion of Harrison, report adopted.

Also: "Mr. Speaker:—We, your special committee appointed to visit the state institutions of the State of Montana, beg leave to report that we were one day and night at the Asylum for the Insane, situated at Warm Springs, Montana, and we examined all the buildings occupied by the patients, inspected the farm, steam laundry, kitchens, bakery, bath rooms, barns and out houses and found the same in excellent repair, kept with scrupulous cleanliness, lighted by electricity and heated by steam.

We note with special pride and pleasure the hospital building, the main ward of which is 40x90 feet with an 18ft ceiling; all the floors are of maple. This building is furnished with the best and most approved modern hospital furniture. Within this building is a modern operating room where surgical operations are performed for the entire institution, and we doubt if there is a better surgical operating room in the West. It is furnished with modern furniture and all the fixtures known to antiseptic and modern surgery, and the dispensary in this building is filled with all the required drugs, dressings and appliances necessary to such department.

This building has a capacity for about ninety patients, and their appearance indicates that they are well cared for. In this building, among the helpless, were two inmates who have been in the institution for more than twenty-four years. The receiving wards of this institution are models of cleanliness, well ventilated and airy, and are ample for all requirements. Attached to the wards are elegant bath rooms, wash rooms and lavatories, and in them there is no foul air, and they are connected with an excellent sewerage system. In this connection we will mention that we were reliably informed that during the twenty-seven years last past, the institution has never had a case of typhoid fever, or other acute infectious disease incident to bad sewerage.

The dormitory buildings are large, light and well ventilated, and afford every comfort and pleasure that the condition of these patients warrant.

The ward in which the females live has been presided over by Mrs. Brown in an excellent manner for more than nineteen years, and while the same is a model of cleanliness, well furnished and equipped and having a sufficient number of attendants, and fully protected from all publicity, yet we must say that the building itself is getting old and should be replaced by a modern structure something similar to the fine brick hospital building above mentioned. We made a close inquiry relative to why such a building had not been constructed for the use of the unfortunate female inmates, and find that the contractors on account of the fact that their

contract is for such a short term, that they hesitate to build any more high priced buildings, and we are confident that they should be given a longer contract, so that they would be enabled to build such a structure. We would suggest that the next contract entered into with these gentlemen should be for a term of about six years.

We examined the books and reports of the institution and find that they keep a complete list of the patients, and dates of admission, county from where they came, full condition of the patient and chances of recovery, as well as the number discharged and died during each month, also full and accurate reports of like kind are made each year to the asylum commissioners, and in addition thereto statistics are compiled and furnished to the various bureaus and published in their reports, and on account of the length of this report the same will not be embraced herein, but reference is hereby made to reports heretofore made to the Bureau of Labor, Agriculture and Industry, and to the biennial report of the State Board of Charities and Reform.

We find that patients are employed about the farm and in the institution, some driving oxen, some milking cows, some hauling hay, making and mending clothes and assisting about the cooking, and these conditions meet with our hearty approval, as to withhold employment and occupation from these people would be indeed a hardship on them. When we consider the vast army of attendants, physicians and managers connected with this institution, the wages paid to them, increased cost of food during the past few years, amount of drug bills, fuel furnished, insurance paid and the hundred and one other matters that might be mentioned, we are sure that the state could make no saving in the amount each year expended in the care of these unfortunates.

Diligent inquiry upon the part of the members of your committee has failed to reveal the slightest evidence of maltreatment or neglect of inmates on the part of the asylum management. The institution is under the personal supervision of Dr. O. Y. Warren, a man of high professional attainments, and irreproachable character. He is a man of humane heart and generous impulses. To see this man moving about these poor helpless and unfortunate inmates and find that each and every one, conscious of gratitude, meet him with a smile of love and confidence, would forever dispel any idea of harsh treatment upon his part."

Report placed on file.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

Lanstrum moved that the rules be suspended and that Mr. Hefferlin be permitted to introduce two bills—Carried.

By Hefferlin: H. B. No. 233. A bill for an act to amend section 45 of an act relating to public improvements in cities and towns, approved March 8th, 1897.

Also: H. B. No. 334. A bill for an act empowering cities and towns to provide for a garbage system.

By Committee on Appropriations:—H. B. No. 335. A bill for an act entitled an act appropriating money for the payment of the salaries of the Commissioners of the Supreme Court, and for their clerk, and for incidental expenses.

By Stapleton, by unanimous consent. H. B. No. 336. A bill for an act to provide for making the capital stock of corporations, whose capital stock is subject to assessment, non-assessable.

MOTIONS & RESOLUTIONS.

By Allen, seconded by Beaudry: "Mr. Speaker:—I move that the Committee on Railroads and Transportation be requested to report on House Bill No. 237, introduced by Everett, for an act to fix the maximum rate to be charged by railroad companies for the transportation of coal, and fixing penalty for its violation." Adopted.

Swindlehurst moved that House Bill No. 303 be referred to the Committee on Insurance instead of being printed at this time. Carried.

Schwend moved to reconsider the vote by which Senate Bill No. 45 was passed on yesterday. Conner moved to lay the motion on the table—Carried.

Schwend moved to reconsider the vote by which Senate Bill No. 44 was passed on yesterday. Conner moved to lay the motion on the table—Carried.

READING OF BILLS & MEMORIALS.

H. B. No. 333, read first and second times, and referred to Committee on Affairs of Cities.

H. B. No. 334, read first and second times, and referred to Committee on Affairs of Cities.

H. B. No. 335, read first and second times, and referred to Committee on State Boards and Officers.

H. B. No. 336, read first and second times, and referred to Committee on Corporations other than Municipal.

MESSAGES FROM SENATE & GOVERNOR.

"February 18, 1903.

To the Speaker of the House of Representatives, House of Representatives, Helena, Montana.

Sir: I have the honor to inform you that I have approved the following bills:

House Bill No. 36, an act to repeal an act entitled an act to provide for the publication of occupation license moneys collected by the county treasurers, approved March 4, 1901.

House Bill No. 50, an act entitled an act to amend sections 6 and 7 of an act to provide for the appointment of a Board of Sheep Commissioners, and to define their powers and duties, approved March 5, 1897.

House Bill No. 75, an act to amend section No. 1123 of the Penal Code of the State of Montana, relating to the dumping of refuse in streams.

House Joint Memorial No. 2, relating to the opening for settlement of the Absarokee Forest Reserve.

House Bill No. 29, an act to amend section 1201 of the Political Code, Session Laws of 1897, page 113, relating to the appointment of registry agents.

House Bill No. 59, an act to amend section 4367 Political Code, relating to the safe keeping of public funds by county treasurers.

House Bill No. 45, an act to prevent all persons owning or operating a coal mine on the bank of a stream containing fish or water which is used for domestic purposes, or for irrigation, from depositing coal slack or other refuse from such mine in such stream, and for fixing the penalty for the violation thereof."

"J. K. TOOLE, Governor."

By Tooley:—"Mr. Speaker:—Your Committee on Enrollment report House Bill No. 135, an act relating to the appraisal, sale and leasing of state lands as correctly enrolled.

Also, your Committee on Enrollment report House Bill No. 119, an act fixing the fees of the Secretary of State for filing articles of Religious Societies, Churches, Organizations for religious purposes, and fraternal societies not having a capital stock and not being organized for the purpose of profit as correctly enrolled."

Mr. Speaker announced that he was about to sign House Bills Nos. 119 and 135.

THIRD READING OF BILLS.

House Bill No. 167, read third time and passed by the following vote:

Ayes:—Allen, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Burt, Duggan, Dwight, Everett, Farmer, Faust, Graham, Harrison, Hefferlin, Hilman, Johnson, Lancaster, Lieneman, Lin-

derman, Miller, Miles, Mullins, McCone, Noble, Owen, Pelletier, Sales, Self, Stad'er, Stapleton, Story, Swindlehurst, Teal, Vagg, Webb, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, and Mr. Speaker—42.

Nays:—Gangner, King, MacGinniss, O'Keefe, Schwend,—5.

Allen moved to take a recess until 1.30 P. M., upon which a division was called—Ayes 30, Nays 7—Carried.

At 11.50 A. M. the House took a recess.

AFTERNOON SESSION.

House re-assembled at 1.30 P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

On motion of Rice, House resolved itself into Committee of the Whole on General Orders. Dwight in the chair.

Dwight reported as follows:

"Mr. Speaker:—Your Committee of the Whole to which was rererred Senate Bills Nos. 57 and 65, and House Bills Nos. 83, 64, 181, 266, 11., Sub. H, Bills Nos. 7 and 168 and House Bill No. 176, beg leave to report and recommend as follows:

1st. Senate Bill No. 57: we recommend that it be concurred in.

2nd. Senate Bill No. 65: we recommend it be not concurred in.

3rd. House Bill No. 83: that we have amended the same and recommend that it do pass as amended.

4th. House Bill No. 64: we recommend that the enacting clause be stricken out.

5th. House Bill No. 181: we recommend that it do pass.

6th. House Bill No. 266: we recommend that it do pass.

7th. House Bill No. 117: we recommend that the enacting clause be stricken out.

8th. Substitute for House Bill No. 7: we recommend that it do pass.

9th. Substitute for House Bill No. 168: we recommend that it do pass.

10th. House Bill No. 176: that we have amended the same, and recommend that it do pass as amended."

Report adopted.

S. B. No. 57 placed on third reading.

House Bills Nos. 83, 181, 266, 7, 168 and 176 ordered engrossed.

By leave, the following reports were made:

By Miller:—"Mr. Speaker:—A majority of your Committee on State Boards and Officers to which was referred House Bill No. 326, introduced by Committee on Appropriations, to appropriate money to pay the claims of the National Guard, has considered the same and report it back with the recommendation that it do pass."

By Morrissey & Mullins: "Mr. Speaker: A majority of your Committee on State Boards and Officers, to which was referred House Bill No. 326, introduced by Committee on Appropriations, to appropriate money to pay the claims of the National Guard, have considered the same and report it back with the recommendation that it do not pass. This bill carries an appropriation of over two thousand dollars and is a useless waste of the state funds. The people of Montana are intelligent and lawabiding, and can be depended upon to maintain law and order without the assistance of the militia. There is no general demand by the people for a National Guard, and it is only a useless expense upon the state."

Morrissey moved that the minority report be adopted, upon which a division was called for—Ayes 15, Nays 27. Motion lost.

Tolman moved that the majority report be adopted—Carried.

Bill ordered printed.

By Miller: "Mr. Speaker:—Your Committee on State Boards and Officers to which was referred House Bill No. 322, a bill for an act making appropriations for the Executive and Judicial Departments of the State Gov-

ernment for the fiscal years ending Nov. 30, 1903 and Nov. 30, 1904, report the same back to the House with the following amendments hereto attached, and recommend that as amended bill do pass.

Amend by making appropriation for expenses of law library for the year 1903 Four Hundred Dollars, and for the year 1904 Four Hundred Dollars in place of One Hundred and Fifty Dollars for each year, and by making the appropriation for the expenses of the Historical Library for the year 1903 Twenty-five Hundred Dollars instead of Fifteen Hundred Dollars."

By Self: "Mr. Speaker:—I, a minority of your Committee on State Boards and Officers, to whom was referred House Bill No. 322, entitled an act making appropriations for the executive and judicial departments of the state government for the fiscal years ending November 30, 1903, and November 30, 1904, beg leave to say that I have had said bill under consideration, and report the same back to the House with the recommendation that said bill be amended as follows:—

For a stenographer to the Governor, \$1500.00 for each year.

For the salary of the Librarian of the State Historical Library, \$1500.00 for each of the years 1903 and 1904.

For two employes at \$60.00 per month each, to assist the Librarian of State Historical Society in the performance of the duties of such librarian: that is, \$2880.00 for the years 1903 and 1904.

For the maintenance, cataloguing, printing, binding, indexing, etc. in the State Historical Library for each of the years 1903 and 1904, \$2500.00.

For the maintenance of the National Guard, \$2000.00 for each of the years 1903 and 1904.

For maintenance of Capitol Building and Grounds for planting trees, \$17,000.00 for the year 1903 and \$10,000.00 for the year 1904.

For the maintenance and expense of the State Law Library \$700.00 for the year 1903 and \$400.00 for the year 1904.

And I, a minority of your committee, further recommend that said bill when amended as herein indicated, do pass."

Self moved the adoption of the minority report, upon which a division was called for—Ayes 33, Nays 24—Adopted.

Bill as amended, ordered printed.

Mr. Speaker announced that he was about to sign Substitute for Senate Bill No. 71 and Senate Bill No. 48.

By Tooley:—"Mr. Speaker:—Your Committee on Enrollment report that H. B. No. 135, an act relating to the appraisal, sale and leasing of state lands, and H. B. No. 119, an act fixing the fees of the Secretary of State for filing articles of Religious Societies, Churches, organizations for religious purposes, and fraternal societies, not having a capital stock and not being organized for the purpose of profit, were delivered to His Excellency, the Governor, at 1.35 P. M., Feb. 25, 1903."

On motion of Dwight, House resolved itself into Committee of the Whole.

Dwight in the chair.

House resumed.

Mr. Speaker in the chair.

Dwight reported as follows:—

"Mr. Speaker:—Your Committee of the Whole to whom was referred House Bills Nos. 122, 202, 144, 240, 228, 143, 275, Sub. H. B. for 158 and 163, beg leave to report and recommend as follows:

1st. H. B. No. 122: we recommend that it do pass.

2nd. H. B. No. 202: that we have amended the same and recommend that it do pass as amended.

3rd. H. B. No. 144: that the enacting clause be stricken out.

4th. H. B. No. 240: we recommend that the bill do pass.

5th. H. B. No. 228: that we have amended the same and recommend that as amended, the bill do pass.

6th. H. B. No. 143: we recommend that the bill do pass.

7th. H. B. No. 275: that we have amended the same and recommend that, as amended, the bill do pass.

8th. Sub. H. B. for 158 and 163: that we have amended the same and recommend that, as amended, the bill do pass."

On motion of Bray of Lewis and Clarke, report adopted.

House Bills Nos. 122, 202, 240, 228, 143, 275 and Substitute for House Bills Nos. 158 and 163 ordered engrossed.

On motion of Bever, at 5.45 P. M., the House adjourned until to-morrow at 10 o'clock A. M.

B. F. WHITE,
Speaker.

NATHAN GODFREY,
Chief Clerk.

FIFTY-THIRD DAY

Thursday, February 26, 1903.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called. All members present.

Prayer by the Chaplain.

Faust made the following report:

"Mr. Speaker:—Your Journal Committee beg leave to report that they have examined the Journal for the 51st day of this session and find the same correct."

REPORTS OF STANDING COMMITTEES.

The following reports were made:

By Brownlee:—"Mr. Speaker:—Your Committee on Townships and Counties to whom was referred House Bill No. 306, a bill for an act entitled an act exempting from assessment all lands occupied by county roads, having had same under consideration, beg leave to report same back to the House with the recommendation that same do pass."

Bill ordered printed.

Also: "Mr. Speaker:—Your Committee on Townships and Counties, to whom was referred House Bill No. 304, an act to repeal section 4018 and amending section 4602 of the Political Code of the State of Montana, relating to assessors, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass."

Bill ordered printed.

By Wilson of Cascade: "Mr. Speaker:—Your Committee on Engrossment beg leave to announce the necessity of extra clerical assistance, and respectfully request the concurrence of the House in our appointment of Edith Fluhr."

On motion of Allen, report adopted.

By Brownlee:—"Mr. Speaker:—Your Committee on Townships and Counties to whom was referred House Bill No. 301, a bill for an act to designate the kind of tax notice to be sent out by the county treasurer, having had same under consideration, beg leave to recommend that same be indefinitely postponed."

On motion of Brownlee, report adopted and bill indefinitely postponed.

By Bever: "Mr. Speaker:—Your Committee on Affairs of Cities, having had under consideration House Bill No. 324, a bill for an act to amend Section 4062 of the Political Code of the State of Montana, as the same is now in force after an amendment by an act entitled, an act to amend section 4062 of Article 2, Chapter XIII, Political Code of Montana, relating to licenses, approved March 4, 1897, relating to licenses, beg leave to report same back to the House with the recommendation that it do pass."

Bill ordered printed.

Also: "Mr. Speaker:—Your Committee on Affairs of Cities having had under consideration House Bill No. 334, a bill for an act empowering cities and towns to provide for a garbage system, begs leave to report the same back to the House with the recommendation that it do pass."

Bill ordered printed.

Also: "Mr. Speaker:—Your Committee on Affairs of Cities, having had under consideration House Bill No. 333, a bill for an act to amend section 45 of an act relating to public improvements in towns and cities, approved March 8, 1897, beg leave to report same back to the House with the recommendation that it do pass."

Bill ordered printed.

By Tolman: "Mr. Speaker:—Your Committee on State Lands, having had under consideration House Bill No. 302, would recommend the following amendments:

That the words "twenty-five thousand" in the title of the bill be stricken out, and the words "six thousand two hundred and fifty" be inserted therein.

Amend Section 2 by striking out the words "two thousand (\$2000.00)" and inserting the words "five hundred" therein.

Amend section 4 by striking out the words "including all members of the Eighth Legislative Assembly".

Amend Section 5 by striking out the words "twenty-five thousand" and inserting the words "six thousand two hundred and fifty", and striking out the words "two thousand" and inserting the words "five hundred".

Amend section 6 by striking out the words "two hundred" and inserting the word "fifty".

We recommend that said bill, as amended, do pass."

On motion of Tolman, report adopted and bill ordered printed.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Wilson of Cascade:—H. B. No. 337. A bill for an act declaring that the buying, selling or otherwise dealing in what is known as "futures" either in grain, stocks, or anything whatsoever with a view to profit is gambling and unlawful; and to prohibit the maintenance of places where such gambling is carried on, fixing a suitable penalty for the violation thereof, and providing for the competency of witnesses in such cases.

By Farmer: H. B. No. 338. A bill for an act entitled an act appropriating money to pay the mileage travelled by members of the Senate and House Special Committee to investigate State Institutions, and to pay clerk hire.

READING OF HOUSE BILLS & MEMORIALS.

House Bill No. 337, read first and second times, and referred to Committee on Ways and Means.

House Bill No. 338, read first and second times, and referred to Committee on Appropriations.

MESSAGES FROM THE GOVERNOR & SENATE.

"February 25, 1903."

To the Speaker of the House of Representatives, House of Representatives, Helena, Montana.

Sir:—I have the honor to inform you that I have approved the following bills:—

House Bill No. 232. An act providing for the payment of the indebtedness and expenses hereinafter incurred by cities, the indebtedness of which exceeds the limit provided in Section 6, Article 13, of the constitution of the State of Montana, and further providing for the levy and collection of taxes for such purposes.

House Bill No. 231. An act entitled an act to enable cities which have incurred an indebtedness in excess of the limit provided in Section 6, Article 13, of the constitution of the State of Montana, to liquidate and pay off the same.

House Bill No. 53. An act to define the word "estrays" and to provide a penalty for the taking up, using or disposing of estrays upon the public domain.

Substitute for House Bill No. 88. An act to prescribe the method of the publication of the laws of the Legislative Assemblies of the State of Montana.

House Bill No. 93. An act to amend section 1821 of the Code of Civil Procedure, relating to motions and actions.

House Bill No. 121. An act to amend section 4911, Article 6, Chapter 3, Title 3, Part 4, of the Political Code of the State of Montana, relating to the jurisdiction of police courts.

House Bill No. 137. An act entitled an act appropriating money for the payment of the claim of Conley & McTague for care of prisoners at the State Penitentiary at Deer Lodge.

House Bill No. 138. An act entitled an act appropriating money for the payment of the claim of the Butte Machinery and Specialty Company, account installation of heating plant at State Penitentiary at Deer Lodge."

J. K. TOOLE, Governor.

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that House Bill No. 26 was to-day indefinitely postponed, for the reason that the same bill had passed the Senate and been transmitted to the House before the Senate received the above House Bill; and said bill herewith returned.

Also, that the following Senate Bills were to-day read third time and passed, and are herewith transmitted for your concurrence:

Senate Bills Nos. 80, 82, 89 and 81.

Also, that the following House bills were to-day read third time and concurred in: and are herewith returned:

House Bill No. 155, Substitute H. B. No. 18, Substitute H. B. No. 115, and House Joint Memorial No. 6.

X. K. STOUT, Secretary."

Senate Bills Nos. 80, 82, 89 and 81 ordered placed on file.

House Bills Nos. 155, 18, 115, and H. J. M. No. 6 ordered enrolled.

READING OF SENATE BILLS.

S. B. No. 81, read first and second times, and referred to Committee on Ways and Means.

S. B. No. 89, read first and second times, and referred to Committee on Agriculture and Horticulture.

Senate Bill No. 82, read first and second times, and referred to Committee on Ways and Means.

Senate Bill No. 80, read first and second times, and referred to Committee on Corporations other than Municipal.

THIRD READING OF BILLS.

Senate Bill No. 57 read third time and concurred in by the following vote:—

Ayes:—Allen, Bray of, Lewis and Clarke, Bray of Rosebud, Beaudry, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Downey, Duggan, Dwight, Farmer, Faust, Gangner, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Lynch, Miller, Miles, Morrissey, McCone, MacDonald, Noble, O'Keefe, Schwend, Stadler, Stapleton, Teal, Tolman, Tooley, Vagg, Whiteley, Williams, Wilson of Cascade, Wood, Woodworth, Word and Mr. Speaker—50.

Nays None.

On motion of Bever, House resolved itself into Committee of the Whole to consider General Orders.

Allen in the chair.

House resumed.

Mr. Speaker in the chair.

Allen reported as follows:

"Mr. Speaker:—Your Committee of the Whole to whom was referred Senate Bill Nos. 33, 50, S. J. M. No. 3, and Senate Bills Nos. 29 and 66, beg leave to report and recommend as follows:

1st. Senate Bill No. 33: we recommend that it be concurred in.

2nd. S. B. No. 80: we recommend that it be concurred in.

3rd. S. J. M. No. 3: we recommend that it be concurred in.

4th. S. B. No. 29: that we have amended the same, and recommend that, as amended, it be concurred in.

5th. S. B. No. 66: that we have amended the same and recommend that it be concurred in as amended."

On motion of Dwight, report adopted.

Senate Bills Nos. 33, 50, 29, 66, and S. J. M. No. 3, placed on third reading.

Mr. Speaker announced that he was about to sign Senate Bills Nos. 6, 10, 32 and 53.

On motion of Dwight, at 12.05 P. M., the House took a recess until 2.30 P. M.

AFTERNOON SESSION.

House re-assembled at 2.30 o'clock P. M.

Mr. Speaker in the chair.

Roll called—quorum present.

By Faust:—"Mr. Speaker.—Your Journal Committee beg leave to report that they have examined the Journal for the 52nd day of this session, and find the same correct."

On motion of Lanstrum, House resolved itself into Committee of the Whole, to consider General Orders. Allen in the chair.

House resumed.

Mr. Speaker in the chair.

Allen reported as follows:—

"Mr. Speaker:—Your Committee of the Whole to whom was referred House Bills Nos. 265, 264, 172, 80, 185, 57, 259, 190, 279, 154, 285, Sub. for Sub. for 100 and 116, Sub. No. 3, H. J. R. No. 2, Sub. No. 74, Sub. 126 and Sub. 271, report and recommend as follows:

1. Sub. for Sub. for 100 and 116: we have amended the same and recommend that it do pass, as amended.

2. Sub. for H. B. No. 3: we recommend that it do pass.

3. H. B. No. 265: we recommend that it do pass.

4. H. B. No. 264: we recommend that it do pass.

5. H. J. R. No. 2: we recommend that it do pass.

6. Sub. H. B. No. 74: we have amended the same and recommend that it do pass as amended.

7. H. B. No. 172: we recommend that it do pass.

8th. H. B. No. 80: we recommend that it do pass.

9th. H. B. No. 185: we recommend that it do pass.

10th. H. B. No. 57: we recommend that it do pass.

11th. Sub. H. B. No. 126: we recommend that it do pass.

12th. H. B. No. 259: we recommend that it do pass.

13th. H. B. No. 190: we recommend that it do pass.

14th. Sub. H. B. No. 271: we recommend that it do pass.

15th. H. B. No. 279: we recommend that it do pass.

16th. H. B. No. 154: we recommend that it do pass.

17th. H. B. No. 285: that we have amended the same and recommend that it do pass as amended."

Report adopted.

House Bills Nos. 265, 264, 174, 80, 185, 57, 259, 190, 279, 154, 285, H. J. R. No. 2, Sub. for Sub. for 116 and 100, Sub. No. 3, Sub. No. 74, Sub. No. 126, and Sub. No. 271, ordered engrossed.

On motion of Bever, at 6.30 P. M., the House adjourned until 10 o'clock A. M. to-morrow.

B. F. WHITE,
Speaker.

NATHAN GODFREY,
Chief Clerk.

FIFTY-FOURTH DAY

Friday, February 27th, 1903.

House met pursuant at adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called, all members present except Dempster, Downey and MacGinniss.

Prayer by the Chaplain.

REPORTS OF STANDING COMMITTEES.

The following reports were made:

By Wilson of Cascade: "Mr. Speaker:—Your Committee on Engrossment to whom was referred Substitutes Nos. 158 and 163. House Bills Nos. 275, 143, 228, Sub. 202, H. B. 122, 240, 176, Subs. 168 and 7, H. B. 266, 181, 83, beg leave to report them as correctly engrossed."

By McCone:—"Mr. Speaker:—Your Committee on Live Stock and Public Ranges to whom was referred House Bill No. 278, a bill for an act to amend section 1190 Chapter 2, Title 15, of the Penal Code of the State of Montana, being an act to prevent the use as a brand of any sash or frying pan, beg leave to report same back to the House with the recommendation that it do pass."

Bill ordered printed.

By Cannon: "Mr. Speaker:—Your Committee on Railroads and Transportation to whom was referred House Bill No. 317, an act to protect trade and commerce against unlawful restraints and monopolies, and to prohibit the giving or receiving of rebates on the transportation of property, beg to refer same back without recommendation."

On motion of Cannon, bill ordered printed.

Also: "Mr. Speaker:—Your Committee on Railroads and Transportation to whom was referred House Bill No. 237, an act to fix the maximum rate to be charged by railroad companies for the transportation of coal and fixing penalty for its violation, beg to report back with the recommendation that same be indefinitely postponed."

On motion of Cannon, report adopted. Bill indefinitely postponed.

By Buchanan: "Mr. Speaker:—Your Committee on Printing begs leave to report House Bills Nos. 305, 196, 258, 184, 287, 328, Sub. H. B. 60, H. Bills Nos. 169, 269 and 197 (No. of bill is 97. Error of printer) as having been returned printed."

Also: "Mr. Speaker:—Your Committee on Printing begs leave to make the following supplementary report: House Bills Nos. 197, 291, 284, 246, 248, 254, 283, 285, 272, 68, 262 and 299 as having been returned correctly printed."

By Miller:—"Mr. Speaker: Your Committee on State Boards and Officers to which was referred House Bill No. 335, a bill for an act entitled an act appropriating money for the payment of the salaries of the Commissioners of the Supreme Court, and of their clerk, and for incidental office expenses, respectfully report the same back to the House with the recommendation that it do pass."

Bill ordered printed.

By Linderman: "Mr. Speaker:—Your Committee on Corporations Other Than Municipal, having had under consideration House Bill No. 19—an act relative to persons combining and encouraging other persons to combine—begs leave to report the same back to the House with the recommendation that it be indefinitely postponed."

On motion of Linderman, report adopted. Bill indefinitely postponed.

Also: "Mr. Speaker:—Your Committee on Corporations other than Municipal, having had under consideration House Bill No. 336—a bill for an act to provide for making the capital stock of corporations whose capital stock is subject to assessment, non-assessable—begs leave to report the same back to the House with the recommendation that it be indefinitely

postponed, for the reason that your committee does not see the need or necessity of such a law."

On motion of Linderman, report adopted. Bill indefinitely postponed.

By Story:—"Mr. Speaker:—Your Committee on Education having had under consideration Senate Bill No. 54, a bill providing for a text book commission, respectfully report the same back to the House with the recommendation that it be placed on General Orders."

Placed on General Orders.

By Bever:—"Mr. Speaker:—Your Committee on Affairs of Cities, having had under consideration House, Bill No. 325, a bill for an act to amend Article II of Chapter XIII, Part III, of the Political Code of the State of Montana, by adding thereto an additional Section No. 4084, relating to licenses, begs leave to report the same back to the House with the recommendation that it be indefinitely postponed."

On motion of Allen, report adopted. Bill indefinitely postponed.

By Sales:—"Mr. Speaker:—Your Committee on Horticulture & Agriculture, to whom was referred House Bill No. 273, a bill for an act prohibiting hunting on enclosed premises, and to provide a penalty therefor, recommend Section 1 be amended to read as follows:

Section 1. Any person who shall enter into any growing or standing grain or hay not his own, with fire arms, without the permission of the owner or occupant of the land on which such grain is situated, or any person who shall, without permission of the owner, hunt or shoot on the premises of another enclosed by a fence and used as a pasture for stock, or shall hunt or shoot upon any other land of another, shall be punished by a fine of not less than five dollars, nor more than twenty-five dollars, and in default of payment thereof, shall be imprisoned in the county jail not less than ten days nor more than thirty days, for each and every offense; provided that this section shall not limit or in any way affect civil liability on account of such trespass", and as amended, recommend that it do pass."

On motion of Sales, report adopted. Amended bill ordered printed.

Also: "Mr. Speaker:—Your Committee on Horticulture and Agriculture, to whom was referred Senate Bill No. 89, a bill for an act entitled an act to appoint the Entomologist of the Experiment Station, State Entomologist, and appropriate money to pay his travelling expenses, beg leave to report the same back to the House with the recommendation that it be concurred in."

Placed on General Orders.

By Everett:—"Mr. Speaker:—Your Committee on Irrigation & Water Rights, to whom was referred House Bill No. 323, a bill for an act to amend section 1886, of Title VIII, Division II, Part IV, of the Civil Code, and to provide two additional sections to said title, to be numbered 1903 and 1904, respectively, relating to the appropriation of water for beneficial purposes, and defining the rights of appropriators, hereby report the same back to the House with the recommendation that it be passed."

Bill ordered printed.

Also: "Mr. Speaker:—Your Committee on Irrigation and Water Rights to whom was referred House Bill No. 72, entitled, a bill for an act to amend, revise and extend Title 8, Part 4, Division 2, of the Civil Code, relating to Water Rights and Water Ditches and to irrigation generally, hereby report the same back to the House with the recommendation that it be indefinitely postponed."

On motion of Cannon, report adopted. Bill indefinitely postponed.

Also: "Mr. Speaker:—Your Committee on Irrigation and Water Rights, to whom was referred House, Bill No. 288, a bill for an act entitled an act to aid and encourage the organization and construction of co-operative canals, providing for the sale of bonds for the same, the manner in which money shall be disbursed, and redemption of bonds, hereby report the same back to the House with the recommendation that it be indefinitely postponed."

On motion of Sales, report adopted. Bill indefinitely postponed.

Also: "Mr. Speaker:—Your Committee on Irrigation and Water Rights,

to whom was referred House Bill No. 123, hereby report the same back to the House with the recommendation that it be indefinitely postponed."

On motion of Sales, report adopted. Bill indefinitely postponed.

By Conner: "Mr. Speaker:—Your Committee on Appropriations have considered H. B. No. 245, a bill for an act to provide for the location and construction of an asylum for the insane, and recommend that it be indefinitely postponed."

On motion of Conner, report adopted. Bill indefinitely postponed.

Also: "Mr. Speaker:—Your Committee on Appropriations have considered House Bill No. 193, a bill for an act entitled an act appropriating money for the payment of the State Warrant issued by the State Arid Land Commissioners, and recommend that it be indefinitely postponed."

On motion of Conner, report adopted. Bill indefinitely postponed.

Also: "Mr. Speaker:—Your Committee on Appropriations have considered House Bill No. 111, and recommend that it be indefinitely postponed. We herewith introduce a substitute for House Bill No. 111, a bill for an act entitled an act appropriating money for the erecting and equipping of additional buildings for the Montana Agricultural College Station at Bozeman, Montana, in lieu thereof, and recommend that the said substitute do pass."

On motion of Sales, report adopted. Bill (Substitute) ordered printed.

By Brownlee: "Mr. Speaker:—Your Committee on Townships and Counties, to whom was referred House Bill No. 308, a bill for an act entitled an act to amend Section 4050 of the Political Code of Montana, relating to the disposition of moneys received from licenses, having had same under consideration, beg leave to report the same back to the House with the recommendation that it do pass."

Bill ordered printed.

Also: "Mr. Speaker:—Your Committee on Townships and Counties to whom was referred House Bill No. 321, a bill for an act to extend the boundaries of Powell County and to alter the boundaries of Lewis and Clarke County to conform thereto, having had same under consideration, beg leave to report back to the House with the recommendation that it do pass."

Bill ordered printed.

By Self: "Mr. Speaker:—Your Committee on Judiciary, to whom was referred House Bill No. 313, entitled an act fixing the compensation of constables in certain townships, beg leave to say that we have had said bill under consideration, and report the same back with the recommendation that the further consideration thereof be indefinitely postponed."

Beaudry moved that it be printed. A division being called for, Ayes 28, Nays 9—Carried. Bill ordered printed.

Also: "Mr. Speaker:—Your Committee on Judiciary, to whom was referred House Bill No. 312, entitled an act appropriating money for the payment of the claim of J. S. Ledwidge, stenographer of the District Court of the Second Judicial District of the State of Montana, in and for Silver Bow County, account of stenographer's fees in preparing the transcript of the testimony on statement on motion for a new trial, required by the Attorney General of the State of Montana, in the contest of the will, in the matter of the estate of Chas. Colbert, deceased, beg leave to say that we have had said bill under consideration, and report back a substitute therefor, with the recommendation that said substitute be printed, and then placed on General Orders."

On motion of Cannon, report adopted. Bill ordered printed.

Also: "Mr. Speaker:—Your Committee on Judiciary, to whom was referred House Bill No. 311, entitled an act to amend sections 2218 and 2222 of the Code of Civil Procedure of the State of Montana, beg leave to say that we have had said bill under consideration and report the same back to the House with the recommendation that the further consideration thereof be indefinitely postponed."

On motion of Cannon, report adopted. Bill indefinitely postponed.

Also: "Mr. Speaker:—Your Committee on Judiciary, to whom was referred House Bill No. 290, entitled an act prohibiting betting or gambling by wire or telegraph, and prohibiting pool rooms where betting or gambling by wire or telegraph is carried on, beg leave to say that we have had said bill under consideration, and report back to the House a substitute therefor, with

the recommendation that the substitute be printed and then placed on general Orders."

On motion of Conner, report adopted. Substitute bill ordered printed.

Also: "Mr. Speaker:—Your Committee on Judiciary, to whom was referred House Bill No. 235, entitled an act to require newspapers to print certain information for the public, beg leave to say that we have had said bill under consideration, and report back to the House a substitute therefor, with the recommendation that said substitute be printed and then placed on General Orders."

On motion of Cannon, report adopted. Substitute bill ordered printed.

Also: "Mr. Speaker:—Your Committee on Judiciary, to whom was referred Senate Bill No. 46, entitled an act to amend section 3866, Article 3, Chapter 2, Title 14, Part 4, of the Civil Code of Montana, relating to the renewal of mortgages of personal property, beg leave to say that we have had said bill under consideration, and report the same back with the recommendation that it be concurred in."

Placed on General Orders.

INTRODUCTION OF BILLS.

The following bills were introduced:

By Wilson of Cascade, by unanimous consent:

H. B. No. 339. A bill for an act to amend section 1198 of the Political Code of Montana, relating to nuisances.

By Committee on Appropriations, by unanimous consent: H. B. No. 340. A bill for an act to appropriate moneys for the payment of per diem of officers and attaches of the Eighth Legislative Assembly of the State of Montana.

Also: H. B. No. 341. A bill for an act appropriating money for the payment of the claim of C. R. Garlow, for services rendered the Eighth Legislative Assembly of the State of Montana.

By Cannon, by unanimous consent: H. B. No. 342. A bill for an act asking an appropriation to secure a bronze tablet to be placed in the main hall of the State Capitol Building, and upon which shall be inscribed the name, rank, company, regiment, date of enlistment and date of death of each member of the First Montana Volunteers, who lost his life in the Phillipine War.

MOTIONS & RESOLUTIONS.

By Miller:—"Mr. Speaker:—I move that the clerks of the House be instructed that it is no part of their business to attend to the ventilation of the House by throwing open the windows of the gallery, as by such meddling a number of the members caught a severe cold yesterday."

By Allen, by unanimous consent: H. B. No. 343. A bill for an act to provide for apportionment of membership and representation of the several counties of Montana in the House of Representatives of Legislative Assemblies of Montana, and to fix the number of members thereof.

READING OF BILLS & MEMORIALS.

H. B. No. 339, read first and second times, and referred to Committee on Affairs of Cities.

H. B. No. 340, read first and second times, and referred to Committee on Ways and Means.

H. B. No. 341, read first and second times, and referred to Committee on Ways and Means.

H. B. No. 342, read first and second times, and referred to Committee on Appropriations.

H. B. No. 343, read first and second times, and referred to Committee on Apportionment and Representation.

MESSAGES FROM THE SENATE.

"February 26th, 1903.

Mr. Speaker:—I am directed by the Senate to inform your Honorable body that notice of introduction of bill was given to-day as follows:

By Biggs:—A bill for an act entitled an act to prevent the herding of sleep within two miles of any incorporated city.

Also, the following bills were to-day introduced and read first and second times:

S. B. No. 101, by Hopkins. A bill for an act to amend section 328 of the Political Code, relating to liens for personal property tax.

S. B. No. 102, by Ralston. A bill for an act to amend section 4044, Article 1, Chapter 13, Title 10, Part 3 of the Political relating to suits for the collection of delinquent licenses.

X. K. STOUT, Secretary."

"February 25th, 1903.

Mr. Speaker:—I am directed by the Senate to inform your Honorable body that the following bills were to-day introduced, read first and second times:

Substitute for Senate Bill No. 79, introduced by Committee on Judiciary. A bill for an act to amend section 31 of the Code of Civil Procedure, and section 4 of Senate Bill No. 55, passed by the Seventh Legislative Assembly, entitled, an act creating the Twelfth Judicial District of the State of Montana, to be composed of the counties of Choteau and Valley, and providing for the appointment of a judge thereof, approved February 26th, 1901, and changing the boundaries of the Sixth, Seventh, Ninth and Tenth Judicial Districts of the State of Montana.

Substitute for House Substitute for House Bill No. 204, introduced by Senate Judiciary Com. A bill for an act to amend sections 513, 514 and 524 of the Code of Civil Procedure, and to repeal an act approved March 11, 1901, relating to limitation of actions.

Senate Bill No. 100, by Biggs, by request. An act to amend section 631 of Part III, Title I, Chapter III, Article XVII of the Political Code of the State of Montana, relating to the Board of Dental Examiners.

X. K. STOUT, Secretary."

"February 26th, 1903.

Mr. Speaker:—I am directed by the Senate to inform your Honorable body that the Senate to-day appointed Whipple, Sherlock and Maddox as a Senate conference committee to act with a like committee to be appointed by the House, with reference to the House amendments to Senate Bill No. 12.

Also, that House Bills Nos. 156, 167, 92, 25, 118, 108, 177 and Substitute House bill No. 87, were to-day not concurred in; and are herewith returned.

X. K. STOUT, Secretary."

Mr. Speaker appointed as a like committee on the part of the House, Lanstrum, Tolman and Hefferlin.

THIRD READING OF BILLS.

Substitute for House Bills Nos. 158 and 163, on motion of Lanstrum, rules suspended, bill read by title only, and passed by the following vote:

Ayes:—Allen, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Brownlee, Buchanan, Burt, Dwight, Faust, Graham, Hefferlin, Hilger, Hilman, Johnson, Lancaster, Lanstrum, Lienemann, Linderman, Lynch, Martin, Miller, Mullins, McCone, Noble, O'Keefe, Owen, Rice, Sales, Self, Schwend, Stadler, Stapleton, Story, Swindlehurst, Teal, Tooley, Vagg, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—44.

Nays: Sykes, and Webb—2.

House Bill No. 228: on motion of Schwend, rules suspended, bill read by title only and passed by the following vote:

Ayes:—Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Brownlee, Buchanan, Burt, Downey, Dwight, Everett, Farmer, Faust, Flaherty, Gilti-

non, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lienemann, Linderman, Lynch, Martin, Miller, Mullins, McCone, MacDonald, Noble, O'Keefe, Owen, Pearson, Rice, Self, Stadler, Story, Swindlehurst, Sykes, Teal, Tooley, Vagg, Webb, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth and Mr. Speaker—50.

Nays: Allen, Beaudry, Gangner, Pelletier, Schwend, Whiteley, and Word—7.

House Bill No. 143, read third time and passed by the following vote:

Ayes:—Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Brownlee, Buchanan, Burt, Downey, Dwight, Everett, Farmer, Faust, Flaherty, Gangner, Giltinan, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lienemann, Linderman, Lynch, Martin, Miller, Morrissey, Mullins, McCone, MacDonald, Noble, O'Keefe, Owen, Pearson, Pelletier, Rice, Sales, Self, Schwend, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—59.

Nays:—None.

Substitute for House Bill No. 202: on motion of Lanstrum, rules suspended, and bill read by title only, and passed by the following vote:

Ayes:—Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Downey, Dwight, Everett, Farmer, Faust, Flaherty, Gangner, Giltinan, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lienemann, Linderman, Lynch, Martin, Miller, Morrissey, McCone, MacDonald, Noble, O'Keefe, Owen, Pearson, Pelletier, Rice, Sales, Self, Schwend, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—60.

House Bill No. 240: on motion of Sales, rules suspended, bill read by title only and passed by the following vote:

Ayes:—Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Downey, Duggan, Dwight, Everett, Farmer, Faust, Flaherty, Giltinan, Harrison, Hefferlin, Hilger, Hilman, Lanstrum, Lienemann, Linderman, Lynch, Martin, Miller, Morrissey, McCone, MacDonald, Noble, Owen, Pearson, Rice, Sales, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tooley, Vagg, Webb, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word, Mr. Speaker—53.

Nays:—Gangner, O'Keefe, Self, and Schwend—4.

House Bill No. 122 read third time and passed by the following vote:

Ayes:—Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Downey, Duggan, Everett, Farmer, Faust, Flaherty, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Martin, Miller, Miles, Morrissey, McCone, MacDonald, Noble, Owen, Rice, Sales, Self, Stadler, Stapleton, Story, Sykes, Teal, Tooley, Vagg, Webb, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—55.

Nays: Gangner, O'Keefe, Schwend, Shannon—4.

House Bill No. 176, on motion of Miller, rules suspended, bill read by title only. On motion of Lynch, bill recommitted to Committee on Judiciary.

Substitute for House Bill No. 168: on motion of Hilger, bill recommitted to Committee of the Whole.

Substitute for House Bill No. 7 read third time and passed by the following vote:

Ayes:—Bray of Lewis and Clarke, Benson, Bever, Buchanan, Burt, Cannon, Dwight, Everett, Faust, Giltinan, Graham, Harrison, Hefferlin, Hilman, Johnson, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Martin, Miller, Miles, Mullins, McCone, MacDonald, Noble, Pearson, Rice, Sales, Self, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tooley, Vagg, Webb, Wilson of Lewis and Clarke, Wood, Woodworth, Word, and Mr. Speaker—46.

Nays:—Allen, Arthur, Bray of Rosebud, Beaudry, Brownlee, Farmer, Flaherty, Gangner, Hilger, Morrissey, O'Keefe, Pelletier, Schwend, Shannon—14.

House Bill No. 181 read third time and passed by the following vote:

Ayes:—Allen, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dwight, Farmer, Faust, Flaherty, Gangner, Giltinan, Graham, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Martin, Miller, Miles, Morrissey, McCone, MacDonald, Noble, O'Keefe, Pearson, Pelletier, Rice, Sales, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—61.

Nays None.

House Bill No. 266, read third time and passed by the following vote:

Ayes:—Allen, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Downey, Duggan, Dwight, Everett, Faust, Flaherty, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lehsou, Lienemann, Linderman, Lynch, Martin, Miller, Miles, Morrissey, McCone, MacDonald, Noble, O'Keefe, Pelletier, Rice, Sales, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—59.

Nays:—Farmer, Gangner, 2.

House Bill No. 83, read third time and passed by the following vote:

Ayes:—Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Cannon, Conner, Downey, Duggan, Dwight, Everett, Farmer, Faust, Flaherty, Gangner, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Martin, Miller, Miles, Morrissey, McCone, MacDonald, Noble, O'Keefe, Pelletier, Rice, Sales, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—62.

Nays None.

House Bill No. 275: on motion of Allen, rules suspended, bill read by title only and passed by the following vote:

Ayes:—Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Downey, Duggan, Dwight, Everett, Farmer, Faust, Flaherty, Giltinan, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Lynch, Martin, Miller, Miles, Morrissey, Mullins, McCone, MacDonald, Noble, O'Keefe, Pearson, Rice, Sales, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Word and Mr. Speaker—61.

Nays, Schwend—1.

On motion of Duggan, at 11.50 A. M., the House took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

House reassembled at 2 o'clock P. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

Lanstrum, from Conference Committee, reported as follows:

"Mr. Speaker:—We, your joint conference committee appointed with reference to amendments made by the House on Substitute for Senate Bill No. 12, have had same under consideration and beg leave to recommend that the amendments made by the House, except that amendment in line 28 in Section 4 by adding after the word mile "actually and necessarily", be receded from; that amendment to be concurred in by the Senate."

On motion of Lanstrum, report adopted.

Faust reported as follows:

"Mr. Speaker:—Your Journal Committee beg leave to report that they have examined the Journal for the 53rd day of this session and find the same correct."

Mr. Speaker announced that he was about to sign Senate Bills, Nos. 28, 44, 48, 11 and 38.

Tooley reported as follows:—

"Mr. Speaker:—Your Committee on Enrollment report the following bills as correctly enrolled:

H. B. No. 155. An act to provide suitable burial for deceased soldiers, sailors and marines.

Sub. for H. B. No. 115. An act to amend sections 2471 and 2479 of the Political Code, relating to the Orphans Home.

Sub. for H. B. No. 18. An act to prevent the malicious cutting or tearing down of any fence or other enclosure on private lands and prescribing a penalty for the violation thereof.

H. J. M. No. 6. To the Congress of the United States, praying for the admission of the territories of Oklahoma, New Mexico & Arizona into the Union as States."

Mr. Speaker announced that he was about to sign House Bills Nos. 155, 115, 18 and H. J. M. No. 6.

Lanstrum made the following reports:—

"Mr. Speaker:—Your Committee on Ways and Means to whom was referred Senate Bill No. 81, a bill for an act relating to the licensing of peddlers and canvassers of agricultural and domestic implements, machinery and other articles, respectfully report the same back to the House with the recommendation that it be concurred in."

Bill ordered printed.

Also:—"Mr. Speaker:—Your Committee on Ways and Means to whom was referred House Bill No. 341, a bill for an act entitled an act appropriating money for the payment of the claim of C. R. Garlow for services rendered the Eighth Legislative Assembly of the State of Montana, respectfully report the same back to the House with the recommendation that it do pass."

Bill ordered printed.

Also: "Mr. Speaker:—Your Committee on Ways and Means, to whom was referred House Bill No. 340, a bill for an act to appropriate moneys for the payment of per diem of the officers and attaches of the Eighth Legislative Assembly of the State of Montana, respectfully report the same back to the House with the recommendation that it do pass."

Bill ordered printed.

By Swindlehurst: "Mr. Speaker:—Your Committee on Insurance to whom was referred House Bill No. 320, a bill for an act regulating insurance companies, respectfully report the same back to the House with the recommendation that it do pass."

Bill ordered printed.

By Lanstrum: "Mr. Speaker:—Your Committee on Ways and Means, to whom was referred Substitute for Senate Bill No. 82, a bill for an act entitled an act to amend section 4074 of the Political Code of the State of Montana, relating to licenses for common carriers and express companies, respectfully report the same back to the House with the recommendation that it be concurred in."

Placed on General Orders.

Also: "Mr. Speaker:—Your Committee on Ways and Means, to whom was referred House Bill No. 337, a bill for an act entitled an act declaring that the buying, selling, or otherwise dealing in what is known as "futures" either in grain, stocks, or anything whatsoever, with a view to profit, is gambling and unlawful; and to prohibit the maintenance of places where such gambling, is carried on, fixing a suitable penalty for the violation thereof, and providing for the competency of witnesses in such cases, respectfully report the same back to the House without recommendation."

On motion of Lanstrum, ordered printed.

By Miller: "Mr. Speaker:—I move that the rules be suspended, and we return to the order of business, "Motions and Resolutions", to permit a

resolution of congratulations to Representative Brownlee, and allow a collection to be taken for himself and bride."

Adopted.

Miller introduced the following:

Whereas, an allwise providence has decreed that man should not live by himself and alone, but that he should take unto himself a better half to share in his joys and sorrows through this wearied and changing life, and—

Whereas, our esteemed and beloved colleague, Robert Brownlee, has this day taken unto himself a wife, and promised to love, cherish and protect her for all time, for better or for worse, and through thick and thin, now, therefore—

BE IT RESOLVED, that we, the members of the House of the Eighth Legislative Assembly, do hereby extend to him and his estimable bride our hearty congratulations, and wish them a long, happy and prosperous life."

On motion of Dwight, the resolution adopted.

THIRD READING OF SENATE BILLS.

Senate Bill No. 33: on motion of Dwight, rules suspended, bill read by title only and concurred in by the following vote:

Ayes:—Allen, Arthur, Bray of Rosebud, Beaudry, Benson, Brownlee, Buchanan, Burt, Cannon, Downey, Dwight, Everett, Farmer, Faust, Flaherty, Giltinan, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Linderman, Lynch, Miller, Miles, Mullins, MacGinniss, Noble, O'Keefe, Owen, Pearson, Pelletier, Rice, Self, Schwend, Stadler, Stapleton, Story, Swindlehurst, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word, and Mr. Speaker—56.

Nays None.

Senate Bill No. 50: read third time and concurred in by the following vote:—

Ayes:—Allen, Arthur, Bray of Rosebud, Beaudry, Benson, Brownlee, Burt, Cannon, Downey, Dwight, Everett, Faust, Flaherty, Gangner, Giltinan, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Miller, Miles, Mullins, McCone, MacGinniss, Noble, O'Keefe, Owen, Pearson, Pelletier, Rice, Sales, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Teal, Tolman, Tooley, Vagg, Webb, Williams, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—56.

Nays None.

Senate Joint Memorial No. 3: on motion of Allen, rules suspended, bill read by title only and concurred in by the following vote:—

Ayes:—Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Brownlee, Buchanan, Burt, Cannon, Downey, Dwight, Everett, Faust, Flaherty, Gangner, Giltinan, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Miller, Mullins, McCone, MacGinniss, Noble, Pearson, Pelletier, Rice, Sales, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Teal, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—55.

Nays, O'Keefe—1.

Senate Bill No. 29: on motion of Bray of Lewis and Clarke, rules suspended, bill read by title only and concurred in by the following vote:

Ayes:—Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Brownlee, Burt, Cannon, Conner, Downey, Dwight, Everett, Faust, Flaherty, Giltinan, Graham, Harrison, Hefferlin, Hilman, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Martin, Miller, Miles, Mullins, McCone, MacGinniss, Noble, O'Keefe, Owen, Pelletier, Rice, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Teal, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—55.

Nays:—Beaudry, Gangner, Hilger, Johnson—4.

Senate Bill No. 66: on motion of Lanstrum, rules suspended, bill read by title only and concurred in by the following vote:—

Ayes:—Bray of Lewis and Clarke, Bray of Rosebud, Benson, Brownlee, Buchanan, Burt, Cannon, Conner, Faust, Graham, Harrison, Hefferlin, Hillman, Lancaster, Lehsou, Lienemann, Lynch, Miller, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pelletier, Sales, Self, Schwend, Stadler, Story, Tooley, Vagg, Webb, Whiteley, Wood, Woodworth, Word and Mr. Speaker—39.

Nays:—Allen Arthur, Downey, Flaherty, Gangner, Giltinan, Hilger, Johnson, Lanstrum, Linderman, Martin, Miles, Stapleton, Swindlehurst, Teal, Williams, Wilson of Lewis and Clarke—17.

Tooley introduced the following:—

“Mr. Speaker:—Your Committee on Enrollment desires two additional clerks and submits the following names for confirmation:—Miss Mabel Shay and Miss M. E. O'Neill.”

On motion of Story, the request was complied with.

House resolved itself into Committee of the Whole.

Miller in the chair.

House resumed. Mr. Speaker in the chair.

Miller made the following report:—

“Mr. Speaker:—Your Committee of the Whole, to whom was referred House Bills Nos. 230, 249, 260, 269, 297, Sub. H. B. No. 58, Senate Bills Nos. 89, 46, 54, and House Bills Nos. 56, Sub. 179, and House Bills Nos. 192 and 200, beg leave to report and recommend as follows:—

1. House Bill No. 230: we recommend that it do pass.
2. House Bill No. 249: we recommend that it do pass.
3. House Bill No. 260: we recommend that it do pass.
4. House Bill No. 269: we recommend that it do pass.
5. House Bill No. 297: we recommend that it do pass.
6. Substitute House Bill No. 58: that we have amended the same and recommend that it do pass as amended.
7. Senate Bill No. 89: we recommend that it be concurred in.
8. Senate Bill No. 46: that we have amended the same and recommend that it be concurred in as amended.
9. Senate Bill No. 54: that we recommend that it be recommitted to Committee on Judiciary.
10. House Bill No. 56: we recommend that it do pass.
11. Substitute House Bill No. 179: we recommend that the enacting clause be stricken out.
12. House Bill No. 192: we recommend that it be recommitted to Committee on Townships and Counties.
13. House Bill No. 200: we recommend that it do pass.”

Report adopted.

House Bills Nos. 230, 249, 260, 269, 297, 58, 56, and 200 ordered engrossed.

Senate Bills Nos. 46, 89, placed on third reading.

Senate Bill No. 54 recommitted to Committee on Judiciary.

House Bill No. 192 recommitted to Committee on Townships and Counties.

On motion of Conner, at 5.40 P. M., the House adjourned until to-morrow at 10 o'clock A. M.

B. F. WHITE,
Speaker.

NATHAN GODFREY,
Chief Clerk.

FIFTY-FIFTH DAY

Saturday, February 28th, 1903.

House met pursuant at adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—all members present.

Prayer by the Chaplain.

REPORTS OF STANDING COMMITTEES.

The following reports were made:—

By Wilson of Cascade:—"Mr. Speaker:—Your Committee on Engrossment to whom was referred House Bills Nos. 185, 190, 154, 80, 57, 279, 265, 172, Sub. House Bills 126, 100 and 116, 271, 74, 264, and Sub. for Sub. H. B. No. 3, and Sub. for H. J. Res. No. 2, beg leave to report them as correctly engrossed."

Also: "Mr. Speaker:—We your Committee on Engrossment beg leave to announce the necessity of extra clerical assistance, and respectfully request the concurrence of the House in our appointment of Mayme Walsh."

On motion of C. A. Wilson, report adopted.

By Self:—"Mr. Speaker:—Your Committee on Judiciary, to whom was referred Senate Bill No. 76, entitled a bill for an act to amend section 1054 of the Criminal Code of the State of Montana, relating to malicious mischief, by adding to said section another sub-division to be known as 7, beg leave to say that we have had said bill under consideration and report the same back to the House with the recommendation that it be concurred in."

Bill placed on General Orders.

By Cannon: "Mr. Speaker:—Your Committee on Railroads and Transportation, to whom was referred Senate Bill No. 70, a bill for an act to compel railway corporations operating in Montana, to correctly report delayed passenger trains to the travelling public, report same back with the recommendation that it be concurred in."

Bill placed on General Orders.

Also: "Mr. Speaker:—Your Committee on Railroads and Transportation, to whom was referred Senate Bill No. 84, a bill for an act entitled an act to protect the range from fires along the right of way of railroads and to provide a penalty for the violation of this act, report same back with the recommendation that it be concurred in."

Bill placed on General Orders.

By Swindlehurst:—Your Committee on Insurance, to whom was referred House Bill No. 277, an act to amend section 681 of the Civil Code of Montana, relating to taxation of insurance companies, corporations and associations, and to provide penalties for the failure to pay such taxes, respectfully report the same back to the House with the recommendation that it do pass."

Bill ordered printed.

By Self:—"Mr. Speaker:—Your Committee on Judiciary, to whom was referred Senate Bill No. 76, entitled a bill for an act providing for the punishment by fine or imprisonment, the unlawful or malicious taking down, removing, injuring, interfering with or obstruction of any line or lines erected or maintained for the purpose of transmitting electricity, for developing light, heat or power, or any part thereof, in any insulator or cross-arm, appurtenance or apparatus connected therewith, or severing or any way interfering with the wire or wires, cable or cables, current or currents thereof, or the attempting to do the same, being an act to amend an act entitled an act to establish a Penal Code, approved February 19, 1895, by adding a new section thereto, to be known as Section 1077, beg leave to say that we have had said bill under consideration, and report the same back to the House with the recommendation that the bill be amended by striking out the words "by imprisonment in the state prison not exceeding five years, or", and that as amended, said bill be concurred in."

On motion of Self, report adopted. Bill placed on General Orders.

INTRODUCTION OF BILLS.

The following bills were introduced by unanimous leave:

By Miller: H. J. R. No. 4. Read and referred to Committee on State Institutions Public Buildings and Grounds.

By Committee on Appropriations: H. B. No. 344. A bill for an act authorizing the State of Montana to insure the State Capitol Building and furniture, and appropriating money for the payment of said insurance.

By Linderman: H. B. No. 345. A bill for an act to prescribe the duties

of peace officers of this state upon complaint being made to them by any citizen, of the commission of an offense against the law, and to provide penalties for violation thereof.

READING OF HOUSE BILLS & MEMORIALS.

House Bill No. 344, read first and second times, and referred to Committee on State Institutions Public Buildings and Grounds.

House Bill No. 345, read first and second times, and referred to Committee on Judiciary.

MESSAGES FROM THE SENATE.

"February 27th, 1903.

Mr. Speaker:—I am directed by the Senate to inform your Honorable body that the Senate to-day having reconsidered the vote whereby House Bill No. 27 was indefinitely postponed would respectfully request that you return the bill to the Senate for its further action.

X. K. STOUT, Secretary."

Also:

"February 27th, 1903."

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that the following bill was to-day introduced and read first and second times:

S. B. No. 103, by Maddox. An act relating to actions against cities and towns for damages for persons on streets and other public grounds, by reason of the negligence of any public officer, agent or employee of any city or town of Montana.

Also: H. B. No. 164, by Kohrs. A bill for an act to amend section No. 5039 of the Political Code of Montana, relating to the establishment and maintenance of free public libraries.

X. K. STOUT, Secretary.

"February 27th, 1903.

Also:

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that House Bill No. 32 and House Bill No. 152 were to-day not concurred in, and are herewith returned. That corrected Sub. House Bills Nos. 2, 11 and 14 was to-day not concurred in and same is herewith returned. That House Bills Nos. 128, 136, Sub. H. B. 55, Sub. H. B. No. 101, H. B. No. 203, H. B. 145, H. B. No. 6 and H. J. R. No. 1, were to-day read third time and concurred in, and are herewith returned.

Also, that Senate Bills Nos. 73, 83, 88 and 77 were to-day read third time and passed, and are herewith transmitted for your concurrence.

X. K. STOUT, Secretary."

READING OF SENATE BILLS.

S. B. No. 73, read first and second times, and referred to Committee on State Institutions.

S. B. No. 83, read first and second times, and referred to Committee on Judiciary.

S. B. No. 77, read first and second times, and referred to Committee on Judiciary.

S. B. No. 88, read first and second times, and referred to Committee on Judiciary.

House Bills Nos. 128, 136, 55, 101, 203, 145, 6, and H. J. R. No. 1, ordered engrossed.

THIRD READING OF HOUSE BILLS.

House Bill No. 185: on motion of Beaudry, rules suspended, bill read by title only, and on motion of Swindlehurst, bill recommitted to Committee of the Whole.

Substitute House Bill No. 271, read third time and passed by the following vote:

Ayes:—Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Downey, Farmer, Faust, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Martin, Miller, Morrissey, McCone, Noble, O'Keefe, Owen, Pelletier, Rice, Sales, Schwend, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth and Mr. Speaker—56.

Nays None.

House Bill No. 57: on motion of Lanstrum, rules suspended, bill read by title only and passed by the following vote:

Ayes:—Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Downey, Farmer, Faust, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Linderman, Lynch, Miller, Morrissey, McCone, MacDonald, Noble, O'Keefe, Owen, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth and Mr. Speaker—57.

Nays None.

Mr. Speaker announced that he was about to sign Senate Bill No. 31.

House Bill No. 279, read third time and passed by the following vote:

Ayes:—Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Downey, Farmer, Faust, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Martin, Miller, Morrissey, Mullins, McCone, MacDonald, Noble, O'Keefe, Owen, Pelletier, Rice, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth and Mr. Speaker—59.

Nays None.

House Bill No. 265: on motion of Beaudry, rules suspended, bill read by title only and passed by the following vote:

Ayes:—Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Bever, Brownlee, Buchanan, Burt, Conner, Dempster, Downey, Farmer, Faust, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lynch, Farmer, Martin, Miller, Miles, Morrissey, Mullins, McCone, MacDonald, Noble, O'Keefe, Owen, Pearson, Pelletier, Rice, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Tolman, Tooley, Vagg, Webb, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth and Mr. Speaker—55.

Nays None.

House Bill No. 154: on motion of Lanstrum, rules suspended, bill read by title only and passed by the following vote:

Ayes:—Bray of Lewis and Clarke, Bray of Rosebud, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dwight, Everett, Faust, Giltinan, Graham, Harrison, Hefferlin, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Linderman, Miller, Miles, McCone, MacDonald, Noble, Owen, Pearson, Rice, Sales, Self, Stadler, Story, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Woodworth and Mr. Speaker—45.

Nays:—Axtell, Beaudry, Benson, Dempster, Downey, Farmer, Hilger, Lienemann, Lynch, Martin, Morrissey, Mullins, MacGinniss, O'Keefe, Pelletier, Schwend, Shannon, Stapleton, Swindlehurst and Wood—20.

House Bill No. 80: on motion of Miller, rules suspended, bill read by title only and passed by the following vote:

Ayes:—Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Downey, Dwight, Everett, Faust, Flaherty, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Martin, Miller, Miles, Morrissey, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pearson, Pelletier, Sales, Schwend, Shannon, Stadler, Story, Swindlehurst, Sykes, Teal,

Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth and Mr. Speaker—64.

Nays None.

House Bill No. 190: on motion of Dempster, rules suspended, bill read by title only and passed by the following vote:

Ayes:—Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Downey, Dwight, Everett, Farmer, Faust, Flaherty, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehson, Lienemann, Linderman, Lynch, Martin, Miller, Miles, Morrissey, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pearson, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth and Mr. Speaker—68.

Nays None.

House Bill No. 172, on motion of Stapleton, was recommitted to Judiciary Committee.

Substitute House Bill No. 126: on motion of Lynch, rules suspended, bill read by title only, and passed by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Bever, Brownlee, Buchanan, Burt, Conner, Dempster, Everett, Faust, Flaherty, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lienemann, Lynch, Martin, Miller, Miles, Morrissey, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pelletier, Sales, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth and Mr. Speaker—56.

Nays: Dwight and Lehson—2.

Substitute for House Bills Nos. 100 and 116: on motion of Miller, rules suspended, bill read by title only and passed by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Bever, Brownlee, Buchanan, Burt, Conner, Dwight, Everett, Faust, Flaherty, Graham, Harrison, Hilger, Hilman, King, Lancaster, Lanstrum, Lienemann, Linderman, Lynch, Martin, Miller, Miles, Morrissey, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pelletier, Sales, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Vagg, Whiteley, Webb, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth and Mr. Speaker—54.

Nays:—Johnson, Schwend, Shannon,—3.

Substitute for House Bill No. 74, read third time and passed by the following vote:

Ayes:—Allen, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Conner, Dempster, Dwight, Everett, Faust, Flaherty, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lienemann, Linderman, Lynch, Martin, Miller, Miles, Morrissey, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pelletier, Sales, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth and Mr. Speaker—58.

Nays None.

Substitute for House Bill No. 264: on motion of Lanstrum, rules suspended, bill read by title only and passed by the following vote:

Ayes:—Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Brownlee, Buchanan, Burt, Conner, Dwight, Everett, Faust, Flaherty, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lienemann, Linderman, Lynch, Miller, Miles, Morrissey, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Pelletier, Sales, Schwend, Shannon, Stadler, Story, Sykes, Teal, Tolman, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Mr. Speaker—53.

Nays None.

Substitute for Substitute House Bill No. 3: on motion of Faust, rules suspended, bill read by title only and passed by the following vote:—

Ayes:—Allen, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Brownlee, Buchanan, Burt, Conner, Everett, Faust, Giltinan, Graham, Harrison, Hefferlin, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Linderman, Martin, Miller, Miles, McCone, MacDonald, Noble, Owen, Sales, Self, Story, Sykes, Teal, Tolman, Toolley, Vagg, Webb, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, and Mr. Speaker—41.

Nays:—Arthur, Benson, Dempster, Downey, Dwight, Farmer, Flaherty, Hilger, Lienemann, Lynch, Morrissey, Mullins, MacGinniss, O'Keefe, Pelletier, Schwend, Shannon, Stadler, Whiteley, and Wood—20.

Substitute for House Joint Resolution No. 2, read and passed by the following vote:

Ayes:—Allen, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Brownlee, Buchanan, Burt, Conner, Downey, Dwight, Everett, Farmer, Faust, Flaherty, Giltinan, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Miller, Miles, Morrissey, Mullins, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pelletier, Sales, Self, Schwend, Shannon, Stadler, Story, Swindlehurst, Sykes, Teal, Tolman, Toolley, Vagg, Webb, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth and Mr. Speaker—55.

Nays None.

THIRD READING OF SENATE BILLS.

Senate Bill No. 46: on motion of Lanstrum, rules suspended, bill read by title only and concurred in by the following vote:

Ayes:—Allen, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Bever, Brownlee, Buchanan, Burt, Conner, Downey, Dwight, Farmer, Faust, Flaherty, Giltinan, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Martin, Miller, Miles, Mullins, McCone, MacDonald, Noble, Owen, Stadler, Story, Swindlehurst, Sykes, Teal, Tolman, Toolley, Vagg, Webb, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth and Mr. Speaker—50.

Nays:—Morrissey, O'Keefe, Sales, Self, Schwend, and Shannon—6.

Senate Bill No. 89, read third time and concurred in by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Bever, Brownlee, Buchanan, Burt, Conner, Dempster, Downey, Dwight, Farmer, Faust, Flaherty, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Martin, Miller, Mullins, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pearson, Pelletier, Sales, Self, Schwend, Stadler, Story, Swindlehurst, Sykes, Tolman, Toolley, Vagg, Webb, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Woodworth and Mr. Speaker—58.

Nays, Morrissey—1.

Toolley made the following report:—

“Mr. Speaker:—Your Committee on Enrollment report that the following bills were delivered to His Excellency, the Governor, at 11.20 A. M. Feb. 28th, 1903, to-wit:

H. J. M. No. 6. To the Congress of the United States, praying for the admission to the Union, the Territories of Oklahoma, New Mexico and Arizona.

Sub. for H. B. No. 18, an act to prevent malicious cutting or tearing down of fences or other enclosures on private lands, and providing for the penalty for the violation thereof.

Sub. for H. B. No. 115. An act to amend sections 2471 and 2479 of the Political Code, relating to the Orphans Home.

House Bill No. 155. An act to provide suitable burial for deceased soldiers, sailors and marines.”

Mullins, Sales, Story and Martin excused from attendance until Monday.

Story and Martin announced that they are paired.

Conner reported as follows, by unanimous consent:—“Mr. Speaker:—Your Committee on Appropriations have considered House Bill No. 30, a

bill for an act entitled an act making appropriation for the erection and equipment of a school for the feeble-minded of the State of Montana, in accordance with Section 2346 of the Political Code of the State of Montana, and offer a substitute bill in lieu thereof, and recommend that said substitute bill do pass."

Also, we have considered House Bill No. 342, a bill for an act entitled an act making an appropriation to procure a bronze tablet to be placed in the main hall of the Capitol Building, and upon which shall be inscribed the name, rank, company, regiment, date of enlistment and date of death of each member of the First Montana Volunteers who lost his life in the Philippine War, and recommend that it do pass.

Also, we have considered House Bill No. 338, a bill for an act entitled an act entitled an act appropriating money to pay the mileage travelled by the members of the Senate and House Committee to investigate the State Institutions, and to pay clerk hire, and recommend that it do pass."

On motion of Conner, report adopted and bills referred to Printing Committee.

By Buchanan: "Mr. Speaker:—Your Committee on Printing begs leave to report House Bills Nos. 150, 285, Sub. H. B. No. 140, House Bills Nos. 330, 333, 324, 334, 306, 322, 300, 302, 304, 326, Sub. H. B. No. 157 and Sub. H. B. No. 132, as having been returned correctly printed."

On motion of Conner, at 11.50 A. M., the House took a recess until 1.30 o'clock P. M.

AFTERNOON SESSION.

House reassembled at 1.30 o'clock P. M..

Mr. Speaker in the chair.

Roll called—Quorum present.

Faust reported as follows:—

"Mr. Speaker:—Your Journal Committee beg leave to report that they have examined the Journal of the 54th day of this session and find the same correct."

GENERAL ORDERS.

The House resolved itself into Committee of the Whole to consider general orders.

Swindlehurst in the chair.

House resumed. Mr. Speaker in the chair.

Swindlehurst reported as follows:—

"Mr. Speaker:—Your Committee of the Whole have had under consideration the following bills, and report and recommend as follows:—

S. B. No. 81: that it be concurred in.

S. B. No. 82: that it be concurred in.

H. B. No. 238: have amended same and recommend that it do pass as amended.

H. B. No. 94: have amended same and recommend that it do pass as amended.

H. B. No. 114: that it do pass.

H. B. No. 267: that it do not pass.

H. B. No. 194: that it be recommitted to Committee on State Boards and Officers.

H. B. No. 293: that it do pass.

H. B. No. 250: that it do pass.

Sub. H. B. No. 247: that the enacting clause be stricken out.

H. B. No. 251: that it do pass.

H. B. No. 253: that it do pass.

H. B. No. 286: that it be recommitted to Committee on Judiciary.

H. B. No. 104: that we have amended same and recommend that it do pass as amended.

H. B. No. 107: that we have amended same and recommend that it do pass as amended.

H. P. No. 252: that it do pass.

H. B. No. 257: that it do pass.

H. B. No. 270: that the enacting clause be stricken out.

Sub. H. B. No. 52: that it do pass.

H. B. No. 309: that it be recommitted to Committee of the Whole.

H. B. No. 314: that it do pass.

H. B. No. 315: that we have amended same and recommend that it do pass as amended.

H. B. No. 316: that we have amended same and recommend that it do pass as amended.

H. B. No. 261: that it do pass."

On motion of Stapleton, report adopted, except on House Bill No. 247.

Stapleton moved to amend the report by recommending that Sub. H. B. No. 247 do pass.

Motion Lost.

Stapleton moved that Sub. H. B. No. 247 be recommitted to Committee on Judiciary.

Conner moved to lay the motion on the table—Carried.

Report adopted on Sub. H. B. No. 247.

Senate Bills Nos. 81 and 82 placed on third reading.

House Bills Nos. 238, 94, 114, 293, 250, 251, 253, 204, 107, 252, 257, 314, 315, 316, 361, and Sub. H. B. No. 52, ordered engrossed.

House Bills Nos. 267, Sub. H. B. No. 247 and H. B. No. 270 enacting clause stricken out.

H. B. No. 194 recommitted to Committee on State Boards and Officers.

H. B. No. 286 recommitted to Committee on Judiciary.

H. B. No. 309 recommitted to Committee of the Whole.

The following reports were made:

By Tooley:—"Mr. Speaker:—Your Committee on Enrollment report House Bill No. 145, pertaining to highways, as correctly enrolled."

Mr. Speaker announced that he was about to sign H. B. No. 145.

By Self:—"Mr. Speaker:—Your Committee on Judiciary, to whom was referred Senate Bill No. 83, entitled a bill for an act entitled an act to facilitate the identification of criminals, to regulate the measurement and description thereof, to provide for the indexing and classifying of prisoners and to establish means of defraying expenses of the provisions made hereunder, beg leave to say that we have had said bill under consideration and report the same back to the House with the recommendation that it be concurred in."

Bill Placed on General Orders.

Also: "Mr. Speaker:—Your Committee on Judiciary, to whom was referred Senate Bill No. 88, entitled a bill for an act to amend section 908 of Chapter 1, Title 8, Part 4, Division 1, of the Civil Code of Montana, beg leave to say that we have had said bill under consideration and report the same back to the House with the recommendation that it be concurred in."

Bill placed on General Orders.

By Self: "Mr. Speaker:—Your Committee on Judiciary, to whom was referred Senate Bill No. 77 entitled, a bill for an act entitled an act to provide for the Torrens Land Title System, beg leave to say that we have had said bill under consideration, and report the same back to the House with the recommendation that it be not concurred in."

Lanstrum moved that the bill be placed on General Orders—Carried.

By Linderman: "Mr. Speaker:—Your Committee on Corporations other than Municipal, having had under consideration Senate Bill No. 80, a bill for an act to amend sections 860, 861, 862, 863 and 864 of the Civil Code, relating to religious, social and benevolent corporations, begs leave to report same back to the House with the recommendation that it be concurred in."

Bill placed on General Orders.

By Brownlee: "Mr. Speaker:—Your Committee on Townships and Counties, to whom was referred House Bill No. 192, a bill for an act to divide

counties into Commissioner Districts, having had same under consideration, beg leave to report the following substitute, and recommend that it do pass."

Report adopted and Substitute Bill ordered printed.

By Miller: "Mr. Speaker:—Your Committee on State Boards and Officers, to which was recommitteed Substitute for House Bill No. 194, has considered the same and report it back with the following amendments:

1st. Amend title by adding after "Capitol" the words "and employes of the State Capitol Building."

2nd. Amend by striking out all after "employes" in lines 4 and 5, and inserting in lieu thereof the words "shall receive three dollars per day for each day employed, and the head janitor shall receive in addition thereto the sum of ten dollars per month." And as amended, recommend that it do pass."

By Wilson of Cascade:—"Mr. Speaker:—Your Committee on Engrossment to whom was referred House Bills Nos. 253, 259, 297, 269, 260, 249, 230, 200, and Sub. H. B. No. 56 and Sub. H. B. No. 58, beg leave to report them as correctly engrossed."

On motion of Teal, at 6.05 P. M., the House adjourned until 10 o'clock A. M., Monday.

B. F. WHITE,
Speaker.

NATHAN GODFREY,
Chief Clerk.

FIFTY-SEVENTH DAY

Monday, March 2nd, 1903.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called. All members present except Bever, Duggan, Gangner, and Martin.

Prayer by the Chaplain.

A communication protesting against the passage of the gambling law, was received from citizens of Helena. Placed on file.

REPORTS OF STANDING COMMITTEES.

The following reports were made:—

By Pearson:—"Mr. Speaker:—Your Committee on State Institutions Public Buildings and Grounds, to whom was referred House Bill No. 242, a bill for an act to provide for the appointment of a warden for the State Penitentiary, and the care of the prisoners therein by the officers of the state, respectfully report the same back to the House with the recommendation that it be indefinitely postponed."

On motion of Faust, report adopted. Bill indefinitely postponed.

By Woodworth:—"Mr. Speaker:—Your Committee on Highways, to whom was referred House Bill No. 124, a bill for an act to provide for the election of Road Supervisors, to define and regulate their powers and duties, to fix their compensation, and to repeal an act entitled an act for the establishment of a uniform system of road government and administration in the counties of Montana, beg leave to report the same back to the House with the recommendation that it be indefinitely postponed."

On motion of Cannon, report adopted. Bill indefinitely postponed.

By Pearson:—"Mr. Speaker:—Your Committee on State Institutions Public Buildings and Grounds, to whom was referred Senate Bill No. 41, a bill for an act establishing a Sub-Experimental Station of the Agricultural Experimental Station, near Billings, Montana, and providing for the acquisition of title for the land for the same and the direction thereof, respectfully report the same back to the House with the recommendation that it be not concurred in."

On motion of Story, report adopted. Bill not concurred in.

By Buchanan: "Mr. Speaker: Your Committee on Printing begs leave to report House Bills Nos. 273, 308, 278, Sub. for H. B. No. 312, Sub. for H. B. No. 111, Sub. for H. B. No. 275 (should be Sub. for 295. Printers error) and Sub. for H. B. No. 290, as having been returned correctly printed."

By Pearson: "Mr. Speaker:—Your Committee on State Institutions Public Buildings and Grounds, to whom was referred House Bill No. 327, an act making an appropriation for the payment of the claim of the Helena Ice Company, account supplies furnished the State Capitol Building, respectfully report the same back to the House with the recommendation that it do pass."

Bill ordered printed.

By Pearson: "Mr. Speaker:—Your Committee on State Institutions Public Buildings & Grounds, to whom was referred House Bill No. 142, a bill for an act to repeal sections 2982, 2983, 2985, 2986, 2987, and 2988 of Part 3, Title 1, of the Penal Code, relating to the State Prison, respectfully report the same back to the House with the recommendation that it be indefinitely postponed."

On motion of Cannon, report adopted and bill indefinitely postponed.

By Pearson: "Mr. Speaker: Your Committee on State Institutions Public Buildings & Grounds, to whom was referred House Bill No. 332, a bill for an act making appropriations for the state institutions of Montana, for the fiscal years ending November 30, 1903, and November 30, 1904, respectfully report the same back to the House with the recommendation that it do pass."

Bill ordered printed.

By Story: "Mr. Speaker: Your Committee on Education to whom was referred Senate Bill No. 57, an act permitting school district trustees to use school funds for the purpose of transporting pupils and paying their tuition, respectfully report the same back to the House with the recommendation that it be concurred in."

Bill placed on General Orders.

By Miller: "Mr. Speaker:—Your Committee on State Boards and Officers, to which was referred House Bill No. 205, a bill for an act defining the officers of a county, has considered the same and reports it back with the recommendation that it be indefinitely postponed for the reason that the House has already a bill relating to the matter."

On motion of Cannon, report adopted, and bill indefinitely postponed.

By Woodworth: "Mr. Speaker:—Your Committee on Highways, to whom was referred House Bill No. 125, a bill for an act entitled an act to provide for the election of Road Supervisors, to define and regulate their powers and compensation, and to establish road districts, beg leave to report same back to the House with the recommendation that it be indefinitely postponed."

On motion of Cannon, report adopted and bill indefinitely postponed.

Also: "Mr. Speaker:—Your Committee on Highways, to whom was referred H. B. No. 40, a bill for an act to amend an act entitled an act for the establishment of a uniform system of road government and administration in the counties of Montana, respectfully report same back to the House with the recommendation that it be indefinitely postponed."

Report adopted and bill indefinitely postponed.

Also: Mr. Speaker:—Your Committee on Highways, to whom was referred House Bill No. 49, a bill for an act to amend section 2728 of Article 10, of the Political Code, relating to the removal of obstructions from highways or roads and repairing bridges, beg leave to report the same back to the House with the recommendation that it be indefinitely postponed.

Report adopted, and bill indefinitely postponed.

By Self: "Mr. Speaker:—Your Committee on Judiciary, to whom was referred Senate Bill No. 54 entitled an act to create a State Text Book Commission, for the purpose of adopting and maintaining a uniform series of text books for the public schools of Montana; to regulate the price of the same, define the duties and powers of said commission, and appropriating a sum of money named therein for the expenses of said commission, beg

leave to say that we have had said bill under consideration and recommend that said bill be amended as follows:

After the word "pupils" in line 22 of Section 4, insert the words "and for new books in hands of districts or dealers"; and that Section 13 be amended by striking out the words "but that all text books shall bear the union label"; and that Section 14 be amended by changing the per diem from \$8.00 to \$6.00; and we further recommend that said bill, as amended, be concurred in."

Report adopted. Bill placed on General Orders.

Lienemann, by unanimous leave, introduced H. J. M. No. 8. Read first and second times and referred to Committee on Fish and Game.

By Committee on Appropriations, by unanimous leave: H. B. No. 346. A bill for an act appropriating money for the payment of the claim of the Montana Hardware Co., of Lewistown, Montana, account supplies furnished to Company I, First Montana National Guard. Read first and second times and referred to Committee on State Boards and Officers.

MESSAGES FROM THE SENATE.

The following message was received:—

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that the following bills were to-day introduced and read first and second times:

S. B. No. 105, by Judiciary Committee. A bill for an act to amend sections 591, 605 and 609 of the Civil Code of Montana, relating to the capital stock and directors of trust deposit and security corporations.

S. B. No. 106, by Hoffman. A bill for an act entitled an act to repeal paragraph designated as "first" of Section 10, Senate Bill No. 64, page 235 of the Session Laws of 1897, approved March 4, 1897, entitled an act to provide for the organization, regulation and inspection of building and loan associations, and to repeal sections 770, to 845 inclusive, of the Civil Code of Montana, approved March 3rd, 1899, and to amend the said act by amending section 29 thereof.

S. B. No. 107, by Biggs. A bill for an act entitled an act to prevent the herding of sheep within two miles of any incorporated city, having a population of 7000 or more.

Senate Sub. for H. B. No. 166 and S. B. No. 87, by Judiciary Committee. A bill for an act entitled an act to determine the liability of employers in the state for damages to employees.

Also, that Senate Bills Nos. 63, 75, 92 and 99 were read third time and passed; and are herewith transmitted for your concurrence.

Also, that House Bills Nos. 263 and 236 were to-day read third time and concurred in and the same are herewith returned.

Also, that House Bill No. 229 was to-day not concurred in, and same is herewith returned.

Also, that House Bill No. 76 is herewith returned, account same not having been properly and correctly engrossed, and Senate awaits your action with reference to same.

Also, that Senate Committee on Judiciary on the 25th recommend that Substitute House Bill No. 204, be displaced by Senate Substitute for House Substitute No. 204, which report was adopted and Substitute House Bill No. 204 is herewith returned.

Also, that Senate Committee on Public Buildings reported that House Bill No. 76 had been incorrectly engrossed, and same is herewith returned for correction.

Also, that the vote whereby House Bill No. 118 was not concurred in has been reconsidered, and would request that the bill be transmitted to the Senate for its further consideration.

Respectfully,

X. K. STOUT, Secretary."

House Bills Nos. 263 and 236 ordered enrolled.

Senate Bill No. 63 read first and second times, and referred to Committee on Education.

S. B. No. 75, read first and second times and referred to Committee on Irrigation and Water Rights.

S. B. No. 92, read first and second times, by title only, and referred to Committee on Affairs of Cities.

S. B. No. 99, read first and second times, by title only, and referred to Committee on Affairs of Cities.

THIRD READING OF HOUSE BILLS.

House Bill No. 253: on motion of Lanstrum, rules suspended, bill read by title only and passed by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Brownlee, Buchanan, Burt, Conner, Dempster, Dwight, Everett, Farmer, Faust, Flaherty, Harrison, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Miller, Miles, Morrissey, Mullins, McCone, Noble, O'Keefe, Owen, Pearson, Pelletier, Rice, Sales, Self, Shannon, Stadler, Stapleton, Story, Swindlehurst, Teal, Tooley, Vagg, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—53.

Nays, Schwend—1.

House Bill No. 200: on motion of Lanstrum, rules suspended, bill read by title only and passed by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Brownlee, Buchanan, Dempster, Downey, Dwight, Farmer, Flaherty, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Lynch, Miller, Morrissey, Mullins, McCone, MacDonald, Noble, O'Keefe, Owen, Pelletier, Schwend, Shannon, Stapleton, Story, Swindlehurst, Whiteley, Wilson of Lewis and Clarke, Wood, Woodworth, Word—41.

Nays: Burt, Cannon, Conner, Everett, Faust, Giltinan, Harrison, Linderman, Miles, Pearson, Rice, Sales, Self, Stadler, Sykes, Teal, Tolman, Toolèy, Vagg, Webb, Wilson of Cascade and Mr. Speaker—22.

House Bill No. 297: on motion of Bray of Lewis and Clarke, rules suspended, bill read by title only and passed by the following vote:

Ayes:—Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Brownlee, Buchanan, Burt, Cannon, Conner, Downey, Dwight, Everett, Farmer, Faust, Flaherty, Giltinan, Harrison, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Miller, Miles, Morrissey, McCone, MacDonald, Noble, Owen, Pearson, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Vagg, Webb, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—58.

Nays: Axtell and O'Keefe—2.

House Bill No. 259: on motion of Story, rules suspended, bill read by title only and passed by the following vote:

Ayes:—Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Brownlee, Burt, Downey, Everett, Farmer, Faust, Flaherty, Giltinan, Harrison, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Miller, Miles, Mullins, McCone, MacDonald, Noble, Owen, Pearson, Rice, Sales, Self, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Vagg, Webb, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—50.

Nays: Axtell, Morrissey, O'Keefe, Pelletier, Schwend, Shannon, and Whiteley—7.

Substitute for House Bill No. 58: on motion of Miller, rules suspended, bill read by title only and passed by the following vote:

Ayes:—Allen, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Brownlee, Buchanan, Burt, Cannon, Conner, Everett, Faust, Giltinan, Graham, Harrison, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Linderman, Miller, Miles, McCone, MacDonald, Noble, Owen, Pearson, Rice, Sales, Self, Stadler, Story, Sykes, Teal, Tolman, Vagg, Webb, Wilson of Cascade, Wilson of Lewis and Clarke, Woodworth and Mr. Speaker—42.

Nays: Arthur, Axtell, Beaudry, Dempster, Downey, Farmer, Flaherty, Hilger, Lienemann, Lynch, Morrissey, Mullins, O'Keefe, Pelletier, Schwend, Shannon, Stapleton, Swindlehurst, Whiteley, Wood and Word—21.

House Bill No. 230: on motion of Lanstrum, rules suspended, bill read by title only. Miller moved that the bill be recommitted to the Committee on Townships and Counties to amend by striking out sums opposite sheriffs names, upon which a division was called for—Ayes 27, Nays 31—Motion lost.

Bill passed by the following vote:

Ayes: Arthur, Axtell, Bray of Rosebud, Brownlee, Burt, Cannon, Dempster, Downey, Dwight, Everett, Farmer, Flaherty, Graham, Harrison, Hilger, Lienemann, Morrissey, Mullins, McCone, MacDonald, O'Keefe, Owen, Pelletier, Rice, Sales, Schwend, Shannon, Stapleton, Story, Swindlehurst, Sykes, Tooley, Vagg, Webb, Whiteley, Wilson of Cascade, Wood and Word—38.

Nays: Allen, Bray of Lewis and Clarke, Beaudry, Benson, Conner, Faust, Giltinan, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Linderman, Lynch, Miller, Miles, Noble, Self, Stadler, Teal, Tolman, Williams, Wilson of Lewis and Clarke, Woodworth and Mr. Speaker—26.

Substitute for House Bill No. 56, read third time and passed by the following vote:

Ayes:—Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Brownlee, Buchanan, Burt, Cannon, Conner, Downey, Dwight, Everett, Farmer, Faust, Flaherty, Graham, Harrison, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Miler, Miles, Mullins, McCone, MacDonald, Noble, O'Keefe, Owen, Pelletier, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—58

Nays:—Allen, Giltinan, Morrissey—3.

House Bill No. 269: on motion of Lanstrum, rules suspended, bill read by title only and passed by the following vote:

Ayes:—Allen, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Brownlee, Buchanan, Burt, Conner, Downey, Dwight, Everett, Faust, Flaherty, Graham, Harrison, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Miller, Miles, Morrissey, Mullins, McCone, MacDonald, Noble, Owen, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wood, Woodworth, Word and Mr. Speaker—56.

Nays, Hilger and O'Keefe—2.

House Bill No. 249, read third time and passed by the following vote:

Ayes:—Allen, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Brownlee, Buchanan, Burt, Conner, Downey, Dwight, Everett, Farmer, Faust, Flaherty, Graham, Harrison, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Lynch, Miles, Morrissey, Mullins, MacDonald, O'Keefe, Owen, Pelletier, Rice, Sales, Self, Schwend, Stadler, Stapleton, Story, Swindlehurst, Sykes, Tolman, Tooley, Vagg, Webb, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—53.

Nays None.

House Bill No. 260: on motion of Lanstrum, rules suspended, bill read by title only and passed by the following vote:—

Ayes:—Allen, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Brownlee, Buchanan, Burt, Conner, Dempster, Dwight, Farmer, Faust, Flaherty, Graham, Harrison, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Lynch, Miller, Miles, Mullins, McCone, MacDonald, Noble, O'Keefe, Owen, Pelletier, Rice, Sales, Schwend, Stadler, Stapleton, Swindlehurst, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood and Mr. Speaker—46.

Nays: Giltinan, Self, Story, Sykes, Tooley, Vagg, Webb, Woodworth and Word—9.

THIRD READING OF SENATE BILLS.

Senate Bill No. 81, read third time and concurred in by the following vote:

Ayes:—Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson,

Brownlee, Buchanan, Burt, Farmer, Faust, Flaherty, Giltinan, Graham, Harrison, Hilger, Hilman, Johnson, King, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Miller, Mullins, McCone, MacDonald, O'Keefe, Pearson, Pelletier, Rice, Sales, Schwend, Shannon, Stadler, Story, Swindlehurst Sykes, Teal, Tolman, Tooley, Vagg, Whiteley, Williams, Wilson of Cascade Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—49.

Nays: Allen, Arthur, Axtell, Conner, Lancaster, Miles, Owen, Self, and Webb—9.

Substitute Senate Bill No. 82: on motion of Lanstrum, rules suspended, bill read by title only and concurred in by the following vote:—

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Brownlee, Buchanan, Burt, Conner, Downey, Dwight, Everett, Farmer, Faust, Flaherty, Giltinan, Graham, Harrison, Hilger, Hilman, Johnson, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Miller, Miles, Mullins, McCone, MacDonald, Noble, O'Keefe, Owen, Pearson, Pelletier, Rice, Self, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tooley, Vagg, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—55.

Nays:—Benson and Schwend—2.

Committee on Appropriations, by unanimous leave, introduced House Bill No. 347. Read first and second times, and referred to Committee on State Boards and Officers.

Also, House Bill No. 348. Read first and second times, and referred to Committee on State Boards and Officers.

The following reports were made:

By Buchanan: "Mr. Speaker:—Your Committee on Printing begs leave to report Sub. H. B. No. 30 as having been returned correctly printed."

By Self: "Mr. Speaker:—Your Committee on Judiciary, to whom was referred House Bill No. 176, entitled an act requiring county assessors to make a return to cities and towns of the valuation and assessment of personal property assessed by him, not secured by real estate, in said cities and towns, beg leave to say that we have had said bill under consideration, and report back a substitute therefor, and recommend that said substitute do pass."

On motion of Conner, report adopted. Substitute ordered printed.

Also: "Mr. Speaker:—Your Committee on Judiciary, to whom was referred House Bill No. 331, entitled an act to provide for the appointment and election of two additional judges of the Supreme Court, beg leave to say that we have had said bill under consideration, and report back to the House a substitute therefor, and recommend that said substitute do pass."

On motion of Story, report adopted. Bill ordered printed.

Also:—"Mr. Speaker:—Your Committee on Judiciary, to whom was referred House Bill No. 345, entitled an act to prescribe the duties of peace officers of this state, upon complaint being made to them by any citizen of the commission of an offense against the law, and to provide penalties for violations thereof, beg leave to say that we have had said bill under consideration and recommend that section 1 be amended by substituting the word "jurisdiction" for the word "balliwick" and that as amended, the said bill do pass."

On motion of Miller, report adopted. Bill ordered printed.

Also: "Mr. Speaker:—Your Committee on Judiciary, to whom was referred House Bill No. 172, entitled an act appropriating money for the claims of Custer County for the state's portion of taxes which Custer County was compelled to pay to the Western Ranches Limited, beg leave to say that we have had said bill under consideration, and report the same back to the House with the recommendation that the further consideration thereof be indefinitely postponed."

On motion of Story, report adopted. Bill indefinitely postponed.

Also: "Mr. Speaker:—Your Committee on Judiciary, to whom was referred House Bill No. 318, entitled an act to amend sections 871 and 873 of the Code of Civil Procedure of the State of Montana, relating to injunctions, beg leave to say that we have had said bill under consideration and report the same back to the House with the recommendation that the further consideration thereof be indefinitely postponed."

On motion of Stapleton, report adopted. Bill indefinitely postponed.

By Tooley:—"Mr. Speaker:—Your Committee on Enrollment submits the following names for confirmation as clerks:—Miss Hester Haynes, Miss Josephine Rader, Mrs. Harry Tilton and Victor Kessler."

On motion of King, report adopted, and appointments confirmed.

On motion of King, at 12.05 P. M., the House took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

House reassembled at 2 o'clock P. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

Conner made the following motion:—

"I move to reconsider the vote on the report of the Judiciary Committee, recommending the indefinite postponement of House Bill No. 172, entitled an act appropriating money for the payment of the claim of Custer County for the state's portion of taxes which Custer County was compelled to refund to the Western Ranches, Limited"—Carried.

Stapleton offered the following:—

"Mr. Speaker:—We, a majority of your Judiciary Committee, having had House Bill No. 105, relating to change of venue under consideration, beg leave to report as follows:—That the same be referred to Drs. Miller and Lanstrum for post mortem examination, and thereafter referred to Duggan for interment. Requiescat in Pacem."

On motion of King, report adopted.

Self reported as follows, by unanimous consent:

"Mr. Speaker:—Your Committee on Judiciary to whom was referred House Bill No. 105, entitled an act to amend section 615 of the Code of Civil Procedure, relating to place of trial of civil actions, beg leave to say that we have had said bill under consideration and report same back to the House with the recommendation that it do not pass."

Report adopted. Bill indefinitely postponed.

Also: "Mr. Speaker:—Your Committee on Judiciary, to whom was referred House Bill No. 307, entitled an act to prevent train robbing and train wrecking, and prescribing punishment for violation thereof, beg leave to say that we have had said bill under consideration and report the same back to the House with the recommendation that the further consideration thereof be indefinitely postponed."

Report adopted. Bill indefinitely postponed.

By King, by unanimous consent:—"Mr. Speaker:—Your Committee on Mines and Mining, to whom was referred House Bill No. 329, entitled an act for the protection of quartz lode mining claims, and for the ascertainment of any underground trespassing thereon, beg leave to report that they have had the same under consideration, and report the same back to the House with the recommendation that it be indefinitely postponed."

On motion of Faust, report adopted. Bill indefinitely postponed.

By Self:—"Mr. Speaker:—Your Committee on Judiciary, to whom was referred House Bill No. 286, entitled an act relative to the powers and duties of Justices of the Peace, and fixing their compensation, beg leave to say that we have had said bill under consideration and report the same back to the House with the recommendation that the further consideration thereof be indefinitely postponed." Report adopted. Bill indefinitely postponed.

GENERAL ORDERS.

On motion of Dwight, House resolved itself into Committee of the Whole to consider General Orders.

Dwight in the chair.

House resumed. Mr. Speaker in the chair.

Dwight reported as follows:

"Mr. Speaker:—Your Committee of the Whole to whom was referred Senate Bills Nos. 76, 70, 84, 78, 83, 88, 77 and 80, and House Bills Nos. 322 and 302, beg leave to report and recommend as follows:

1. S. B. No. 70: we recommend that it be concurred in.
2. S. B. No. 76: we recommend that it be concurred in.
3. S. B. No. 84: we recommend that it be concurred in.
4. S. B. No. 78: we recommend that it be concurred in.
5. S. B. No. 83: that we have amended the same and recommend that it be concurred in as amended.
6. S. B. No. 88: that we have amended same and recommend that it be concurred in as amended.
7. S. B. No. 77: we recommend that it be not concurred in.
8. S. B. No. 80: we recommend that it be concurred in.
9. H. B. No. 322: that we have amended the same and recommend that it do pass as amended.
10. H. B. No. 302: that the enacting clause be stricken out."

Report Adopted.

Senate Bills Nos. 70, 76, 84, 78, 83, 88, and 80 placed on third reading.

House Bill No. 322 ordered engrossed.

House Bill No. 302, enacting clause stricken out.

The following reports were made by unanimous leave:—

By Johnson:—"Mr. Speaker:—Your Committee on Fairs and Expositions, to which was referred Senate Bill No. 59, a bill for an act to create in each county in Montana a commission to be known as the County Agricultural Fair Commission, and providing appropriation from the county treasury of each county of the sum of one thousand dollars to be expended by the commission for county fair expenses, respectfully report the same back to the House with the following amendment:—That in Section 1 the words "Provided, however, that said Fair Commission shall not be in any way whatever connected with or a part of such Fair Association", be stricken out, and recommend that as amended, bill be concurred in."

On motion of Johnson, report adopted and bill placed on General Orders.

By Story: "Mr. Speaker:—Your Committee on Education, to whom was referred Senate Bill No. 63, an act to amend sections 2 and 3 of Senate Bill No. 37, as enacted by the Seventh Legislative Assembly, relating to the election of Trustees of County Free High Schools, respectfully report same back to the House with the recommendation that it be concurred in."

Bill placed on General Orders.

By Buchanan: "Mr. Speaker:—Your Committee on Printing begs leave to report that House Bills Nos. 323, 340, 335, 313, 321 and 341 have been returned correctly printed."

By Wilson of Cascade: "Mr. Speaker:—Your Committee on Engrossment to whom was referred House Bills Nos. 238, 94, 104, 107, 315, 316, 293, 250, 251, 252, 257, 314, 261, Sub. 114, and corrected Sub. 52, beg leave to report them as correctly engrossed."

Bills placed on third reading.

By Sales:—"Mr. Speaker:—Your Committee on Irrigation and Water Rights having had under consideration Senate Bill No. 75, recommend the following amendments thereto:

That Section 1 be amended as follows: amend section 1 after the word "decree" by adding thereto the following words: "and be bound by the provisions of the said decree as fully and to the same extent as if said proposed appropriator had been a party to, and had his proposed right or rights adjudicated in said original decree."

Amend Section 5, in line 16 thereof of the engrossed bill, by striking out the words "the and determine" after the word determine.

Amend Section 10 thereof, in line 4 of said section of the engrossed bill, by striking out the word "one" after the word "of" and insert in lieu thereof the word "two"; and that said bill as amended be concurred in."

On motion of Sales, report adopted and bill placed on General Orders.

Miles moved to reconsider vote by which House Bill No. 329 was indefinitely postponed.—Carried.

House Bill No. 329 ordered printed.

On motion of Lanstrum, at 5.45 P. M., the House took a recess until 8 o'clock P. M.

EVENING SESSION.

House reassembled at 8 o'clock P. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

Faust reported as follows:

"Mr. Speaker:—Your Journal Committee beg leave to report that they have examined the Journal for the 55th day of this session and find the same correct."

MESSAGE FROM THE GOVERNOR.

"February 28, 1903.

To the Speaker of the House of Representatives, House of Representatives, Helena, Montana.

Sir: I have the honor to inform you that I have approved the following bills:

House Bill No. 135. An act entitled an act to amend Section 348 of an act of the Sixth Legislative Assembly, entitled an act relating to the appraisal, sale and leasing of state lands; repealing sections 3475, 3478, 3479, 3480, 3481, 3482, 3483, 3484, 3485, 3487, 3488, 3489, 3940, 3491, 3493, 3494, 3495, 3496, 3497, 3498, 3506, 3507, 3508, 3509, 3510, 3513, 3520, 3521, 3533, of the Political Code of the State of Montana, and substituting therefor certain sections to be numbered 3475, 3478, 3479, 3480, 3481, 3482, 3483, 3484, 3485, 3487, 3488, 3489, 3490, 3491, 3493, 3494, 3495, 3496, 3497, 3498, 3506, and 3507, approved March 1, 1899.

House Bill No. 155. An act entitled an act to provide suitable burial for deceased soldiers, sailors and marines.

House Joint Memorial No. 6. To the congress of the United States, praying for the admission of the Territories of Oklahoma, New Mexico and Arizona into the Union of states.

Substitute for House Bill No. 18. An act entitled an act to prevent the malicious cutting, tearing down, or in any other manner interfering with or injuring fences or other enclosures on private land, and prescribing a penalty for the violation thereof.

Substitute for House Bill No. 115. An act to amend sections 2471 and 2479 of the Political Code, relating to the State Orphans Home, and adding thereto sections 2498, 2499 and 2500, relating to the duties of county superintendents of schools; the admission of children to the State Orphans Home, their discharge therefrom, and the commitment of incorrigible children to the State Reform School.

J. K. TOOLE, Governor."

Dwight, by unanimous leave made the following report:

"To the Honorable, the House of Representatives of the Eighth Legislative Assembly.

Your Special Committee heretofore appointed to investigate alleged violations of the anti-gambling laws of the state, respectfully report that on the 5th day of February, 1903, the following resolution was adopted by the House, to-wit:

Resolved, that whereas it is a notorious fact that every gambling appliance or device of every kind or character is being run openly in this state, contrary to the laws of this state, and whereas it is openly charged that such officers, state, municipal or otherwise whose duty it is to execute the gambling laws of the state, are not only violating their oaths of office but are accused of a serious crime, in that they are enriching themselves by a system known as grafting, be it therefore resolved that a committee of three be appointed to ascertain who is responsible, and if facts are as stated to proceed by impeachment or otherwise to bring such criminals to justice.

That thereafter and on the 6th day of February, 1903, the following resolution was adopted by the House, to-wit:

By Webb: "I move that a special committee of three appointed for the purpose of investigating the violations of the anti-gambling laws be given authority by this House to make a thorough investigation of said alleged violations, and in carrying out said investigation that they be empowered to summon witnesses, to visit towns and cities, if they deem it necessary, and such other means of procuring evidence as they may deem proper, and that they may incur such expense as they may deem necessary to carry out such investigation, not to exceed \$500.00, and in the event said amount prove insufficient, the committee be instructed to report back to the House for further action."

Under authority of said resolutions, we have prosecuted the required investigation as far as the limited time at our disposal would permit. Other exacting duties in connection with the business of the House and its standing committees have materially retarded this special work and the indisposition of witnesses to frankly testify to plain facts believed to be within their knowledge, has seriously impeded progress. The committee has encountered evasion, concealment, deception, and at least in one case flagrant perjury. Numerous witnesses have been examined, public officers charged with the execution of the law and persons confessedly running gambling houses have been examined under oath, and members of the committee have personally visited places in the City of Helena where gambling was being conducted without any apparent effort at concealment. From the testimony of witnesses and from personal observation, we submit to the House the following findings of fact.

1. That during the year 1901 the Attorney General of the State zealously urged all county and city officers to enforce the anti-gambling law. His efforts were rewarded by almost if not complete success. Gambling was practically discontinued throughout the state. But after a few months of commendable zeal, the county and city officers charged with the duty of enforcing the law, relaxed their vigilance and thereupon all sorts of games were commenced and conducted with stealth for a time, until emboldened by exemption from interference or punishment, the gambling fraternity practically cast aside all pretences of concealment and for a long time prior to the beginning of this investigation, violations of the anti-gambling law have been so open and notorious in the large cities that the general public, as well as the officers of the law, understand that the law is being violated and defied.

2. State officers, and officers of the cities and counties of the state have been and are aware of the flagrant violations of the anti-gambling law, and such officers have, with a few notable exceptions, failed, neglected and refused to stand by and for the law they were sworn to execute. In this behalf, honorable mention should be made of the sheriffs of Missoult and Gallatin counties, and Ex-sheriff Watts, of Ravalli County. These officers executed the law with such success as to clearly demonstrate that gambling can be stopped if the officers of the law honestly endeavor to do their duty. If this compliment is due to officers in any other county, the fact has not been brought to our attention.

3. The committee is not prepared, from the facts elicited during the brief investigation to specifically charge any officer with having received tribute from the gamblers for so-called protection or immunity from prosecution, but the committee finds that the violations of the law are so open and notorious in the city of Helena and in other large cities of the state, that the officers cannot be ignorant of these violations, and that their neglect of duty can only be ascribed to either criminal connivance or some unworthy motive.

4. That at least in the case of one witness,—the proprietor of a gambling house in Helena,—the committee from personal knowledge that such witness wilfully and deliberately committed perjury throughout his testimony before the committee. Other witnesses evaded questions, urged lapse of memory and resorted to so many subterfuges in dodging questions that the committee is convinced that they purposely pursued such tactics with a

view to concealing facts within their knowledge, which, if exposed, would show that the connivance of the officers of the law with the violation thereof amounted to more than mere neglect of duty, through inattention to official business.

The Committee believes that a searching investigation by a committee having ample time to prosecute the same, will disclose an appalling state of corruption on the part of certain of such officers as are charged with the direct enforcement of the anti-gambling law.

5. This committee finds that three ways are available in attempting to deal with violations of the anti-gambling law.

One way suggested is to repeal the law and license the practice. This course, while promising revenue to the treasury, would so far shock the moral susceptibilities of the people, that it cannot be fairly recommended.

2. The calling of grand juries in the respective counties of the state for the purpose of investigating violations and where the facts warrant, indicting violators of the law, and those in league with them. This method would probably lack uniformity, as grand juries might not be called in some of the counties, and even where called as grand juries would not remain long in session, they would generally fail, during their brief existence to secure the attendance of witnesses, who, warned of the approach of the grand jury, would doubtless absent themselves from the jurisdiction.

The third, and what seems to the committee the most efficient method of reaching the difficulty would be through a legislative committee authorized and empowered to hold sessions in any part of the state, after the adjournment of the present legislature, with a view to reporting to the Ninth Legislative Assembly, and in the meantime, placing in the hands of the County Attorneys and the District Judges of the State such evidence as they might from time to time acquire, showing violations of the law in the respective counties. In the opinion of your committee the enactment of such a law would, of itself, practically cause the discontinuance of public gambling in the state for the future, and the committee thus empowered could, by placing before the district judges and county attorneys the facts, cause those who have heretofore violated the law to be brought to justice. The committee herewith presents a bill embodying its views, and recommends that the same do pass. In explanation of the selection made for membership of the proposed committee it seems sufficient to suggest that the selection should be confined to members of the State Senate whose terms will not expire until the close of the Ninth Legislative Assembly. It has also seemed fitting to select senators who are members of the Judiciary Committee of the Senate."

(signed) R. DWIGHT,
T. M. SWINDLEHURST,
THOS. M. EVERETT."

On motion of Lanstrum, report adopted.

Self moved that H. B. No. 349, introduced by Committee on Gambling, be rejected. A division being called for—Ayes 30, Nays 13. Motion carried and bill rejected.

Tooley reported as follows:—

"Mr. Speaker:—Your Committee on Enrollment report that H. B. No. 145, pertaining to highways, was delivered to His Excellency, the Governor, at 2.50., March 2, 1903."

Also: "Mr. Speaker:—Your Committee on Enrollment report the following bills correctly enrolled:

H. B. No. 263. An act to prevent wrongs to children and dumb animals, and to establish a bureau of child and animal protection.

H. B. No. 236. An act to amend sections 2956, 2957 and 2990, and to repeal section 2958 of the Political Code.

H. J. R. No. 1. Resolved by the Senate and House of Representatives of the State of Montana, that, under the authority of Article V of the constitution of the United States, application is hereby made to congress to forthwith call a constitutional convention, for the purpose of submitting to the state for ratification an amendment to the Federal constitution providing for the election of United States Senator by direct vote of the people.

H. B. No. 101. An act for the protection of the health of engineers and for the safety of men employed under ground, by regulating the hours of labor of hoisting engineers and fixing the penalties for the violation thereof.

H. B. No. 128. An act to extend the boundaries of Cascade county and to alter the boundaries of Choteau County to conform thereto.

H. B. No. 6. An act to consolidate the clerkships of the Board of Pardons, Board of Commissioners for the Insane, Board of State Prison Commissioners and State Board of Equalization, providing for the appointment of a clerk to said Boards and fixing his compensation.

H. B. No. 136. An act relating to fees of Justices of the Peace.

H. B. No. 203. An act to amend Chapter 10 of the Political Code of the State of Montana, relating to pawn brokers, and amending the title thereto so as to include dealers in second-hand goods and junk dealers.

H. B. No. 55. An act providing for the submitting to the qualified electors of the State of Montana, for their approval or rejection, amendments to article XVIII of the constitution of the State of Montana, by adding thereto three Sections as follows:

Section 3. Prohibiting the employment of children under sixteen years of age in underground mines.

Section 4. Making eight hours a day's labor on public works and in mills, smelters and underground mines.

Section 5. Providing for legislation to enforce the provisions of this article."

Mr. Speaker announced that he was about to sign Senate Bills Nos. 12, 50, 33, 57, 66 and S. J. M. No. 3; also House Bills Nos. 263, 203, 55, 136, 101, 6, 128 and H. J. R. No. 1.

House resolved itself into Committee of the Whole on General Orders.

Swindlehurst in the chair.

House resumed.

Mr. Speaker in the chair.

Swindlehurst reported as follows:—Your Committee of the Whole, to whom was referred House Bills Nos. 328, 372, 197, 305, 196, 258, 184, 287, 169, 296, 97, 291, Sub. C8, 262, and 299, beg leave to report and recommend as follows:

1. H. B. No. 328: we recommend that it do pass.

2. H. B. No. 272: that we have amended the same and recommend that it do pass as amended.

3. H. B. No. 197: we recommend that it do pass.

4. H. B. No. 305: we recommend that it do pass.

5. H. B. No. 196: we recommend that it do pass.

6. H. B. No. 258: we recommend that it do pass.

7. H. B. No. 184: we recommend that it do pass.

8. H. B. No. 287: we recommend that it do pass.

9. H. B. No. 169: that we have amended the same and recommend that it do pass as amended.

10. H. B. No. 296: that we have amended the same and recommend that it do pass as amended.

11. H. B. No. 97: we recommend that it do pass.

12. H. B. No. 291: we recommend that it do pass.

13. Sub. H. B. No. 68: we recommend its recommitment to Committee of the Whole.

14. H. B. No. 262: we recommend that it do pass.

15. H. B. No. 299: we recommend that it do pass."

Report adopted.

House Bills Nos. 328, 272, 197, 305, 196, 258, 184, 287, 169, 296, 97, 291, 262 and 299 ordered engrossed.

Sub. H. B. No. 68 recommitted to Committee of the Whole.

House resolved itself into Committee of the Whole on General Orders.

Swindlehurst in the chair.

House resumed.

Mr. Speaker in the chair.

Swindlehurst reported as follows:—

"Mr. Speaker:—Your Committee of the Whole, to whom was referred Senate Bills Nos. 54, 67, House Bills Nos. 308, 309, 285, 290, 150, 140, 330, 157, beg leave to report and recommend as follows:

1. S. B. No. 54: we recommend that it be concurred in.
2. S. B. No. 67: we recommend that it be concurred in.
3. H. B. No. 308: we recommend that it do pass.
4. H. B. No. 309: we recommend to strike out the enacting clause.
5. H. B. No. 285: we recommend to strike out the enacting clause.
6. H. B. No. 290: we recommend that it do pass.
7. H. B. No. 150: that we have amended the same and recommend that it do pass as amended.
8. Sub. H. B. No. 140: we recommend that it do pass.
- 9th. H. B. No. 330: we recommend that it do pass.
10. H. B. No. 157: that we have amended the same and recommend that it do pass as amended."

On motion of Lanstrum report adopted except as to House Bill No. 309. Webb moved that H. B. No. 309 be re-referred to the Committee of the Whole. Motion Lost.

On motion of Allen, H. B. No. 309 recommended for passage.

Senate Bills Nos. 54 and 67 placed on third reading.

House Bills Nos. 308, 309, 290, 150, 140, 330 and 157 ordered engrossed.

House Bill No. 285, enacting clause stricken out.

On motion of Lynch, at 11 o'clock P. M. the House adjourned until to-morrow at 10 o'clock A. M.

B. F. WHITE,
Speaker.

NATHAN GODFREY,
Chief Clerk.

FIFTY-EIGHTH DAY

Tuesday, March 3rd, 1903.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called. All members present Duggan, Lynch, Mullins, MacGinniss, Story.

Prayer by the Chaplain.

REPORTS OF STANDING COMMITTEES.

The following reports were made:

By MacDonald:—"Mr. Speaker:—Your Committee on Fish and Game, having had under consideration House Joint Memorial No. 8, beg leave to report same back with the recommendation that it do pass."

Memorial ordered printed.

By Bever:—"Mr. Speaker:—Your Committee on Affairs of Cities, having had under consideration House Bill No. 339, a bill for an act to amend section 1198 of the Penal Code of Montana, relating to nuisances, begs leave to report the same back to the House with the recommendation that it be indefinitely postponed."

Report adopted. Bill indefinitely postponed.

Word moved to reconsider the vote by which H. B. No. 349 was rejected, upon which a division was called for—Ayes 14, Nays 21. Motion Lost.

On motion of Cannon, H. Bills Nos. 308 and 309 were recommitted to Judiciary Committee.

Wilson of Cascade, by unanimous leave, reported as follows:—

"Mr. Speaker:—Your Committee on Engrossment to whom was referred Nos. 322, 323, 308, 309, 196, beg leave to report them as correctly engrossed.

The following message was received from the Senate:—

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that House Bills Nos. 12 and 27, as amended, were to-day read third time and concurred in; and same are herewith returned."

By Buchanan: "Mr. Speaker:—Your Committee on Printing begs leave to report House Bills Nos. 345, 342, 277, 337, 320 and 317 as having been returned correctly printed."

King introduced the following:

"I move that all committee clerks not on the Enrolling and Engrossing Committees do report to the Chief Clerk for assignment to work." Carried.

THIRD READING OF BILLS.

House Bill No. 238, read third time and passed by the following vote:

Ayes:—Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Brownlee, Buchanan, Burt, Cannon, Conner, Dwight, Faust, Flaherty, Gangner, Giltinan, Harrison, Hefferlin, Hilger, Hilman, Johnson, Lancaster, Lehsou, Miller, Miles, Morrissey, McCone, Noble, O'Keefe, Owen, Rice, Sales, Self, Stadler, Stapleton, Swindlehurst, Sykes, Teal, Tolman, Vagg, Webb, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth and Mr. Speaker:—47.

Nays:—Farmer and Schwend—2.

House Bill No. 322, read third time and passed by the following vote:

Ayes:—Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Brownlee, Buchanan, Conner, Dempster, Dwight, Faust, Flaherty, Gangner, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Martin, Miller, Miles, Morrissey, McCone, MacDonald, Noble, Owen, Pelletier, Sales, Schwend, Shannon, Stadler, Stapleton, Swindlehurst, Sykes, Teal, Webb, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth and Mr. Speaker—50.

Nays None.

House Bill No. 94, read third time and passed by the following vote:

Ayes:—Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Brownlee, Buchanan, Cannon, Conner, Dwight, Faust, Flaherty, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, Lancaster, Lanstrum, Martin, Miller, Miles, McCone, MacDonald, Noble, Owen, Pelletier, Rice, Sales, Self, Stadler, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Williams, Wilson of Lewis and Clarke, Wood, Woodworth and Mr. Speaker—44.

Nays:—Axtell, Farmer, Gangner, Lienemann, O'Keefe, Schwend, Shannon, Webb, Whiteley and Word—11.

Lanstrum moved that the vote by which House Bills Nos. 308 and 309 were recommitted to the Committee on Judiciary, be reconsidered. A division was called for—Ayes 29, nays 16—Motion Carried.

Wilson of Cascade reported as follows:

"Mr. Speaker:—We your committee on Engrossment beg leave to report House Bills Nos. 308 and 309 as correctly engrossed."

Webb moved that the vote by which H. B. No. 94 was passed be reconsidered. Ayes 38, Nays 3. Motion carried.

The vote recurring upon the passage of the bill, Webb, by unanimous leave proposed the following amendment:

"I move to amend House Bill No. 94 by adding in line 6, after the word "railroad" the following: "And ten cents per mile for distance actually travelled by means other than railroad, when such other means are necessary."

Amendment adopted and bill passed by the following vote:

Ayes:—Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Cannon, Conner, Everett, Faust, Flaherty, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, Lancaster, Lehsou, Linderman, Martin, Miller, Miles, McCone, MacDonald, Noble, O'Keefe, Owen, Rice, Self, Shannon, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—49.

Nays: Farmer, Gangner, Pelletier, and Whiteley—4.

Tooley reported as follows:

"Mr. Speaker:—Your Committee on Enrollment report that the follow-

ing bills were delivered to His Excellency, the Governor, at 11 A. M. March 3, 1903, to-wit:

H. B. No. 203. An act to amend Chapter 10 of the Political Code of the State of Montana, relating to pawn brokers and amending the title thereto so as to include dealers in second-hand goods and junk dealers.

H. B. No. 136. An act relating to fees of Justices of the Peace.

H. B. No. 101. An act for the protection of the health of engineers and for the safety of men employed under ground by regulating the hours of labor of hoisting engineers, and fixing the penalty for violation thereof.

H. B. No. 128. An act to extend the boundaries of Cascade County and to alter the boundaries to conform thereto.

H. B. No. 6. An act to consolidate the clerkships of the Board of Pardons, Board of Commissioners for the Insane, Board of State Prison Commissioners and State Board of Equalization, providing for the appointment of a clerk to said boards and fixing his compensation.

H. B. No. 55. An act providing for the submitting to the qualified electors of the State of Montana, for their approval or rejection, amendments to Article XVIII of the constitution of the State of Montana, by adding thereto three sections as follows:

Section 3. Prohibiting the employment of children under sixteen years of age in underground mines.

Section 4. Making eight hours a day's labor on public works, and in mills, smelters and underground mines.

Section 5. Providing for legislation to enforce the provisions of this article.

H. B. No. 263. An act to prevent wrongs to children and dumb animals, and to establish a bureau of child and animal protection.

H. J. R. No. 1. Resolved by the Senate and House of Representatives of the State of Montana, that under the authority of Article V of the constitution of the United States, application is hereby made to call a constitutional convention for the purpose of submitting to the states for ratification, an amendment to the federal constitution, providing for the election of United States senators by direct vote of the people.

H. B. No. 326. An act to amend sections 2956, 2957 and 2990, and to repeal section 2958 of the Political Code.

THIRD READING OF BILLS.

House Bill No. 104, read third time and passed by the following vote:

Ayes:—Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Cannon, Conner, Dwight, Everett, Faust, Flaherty, Gangner, Hilger, Hilman, Lancaster, Martin, McCone, Noble, O'Keefe, Pelletier, Rice, Self, Schwend, Stadler, Swindlehurst, Tolman, Whiteley, Williams, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—36.

Nays:—Allen, Buchanan, Burt, Farmer, Giltinan, Harrison, Johnson, Lehson, Lienemann, Miller, Morrissey, MacDonald, Owen, Shannon, Stapleton, Sykes, Teal, Tooley, Vagg, Wilson of Cascade, 21.

House Bill No. 107, read third time and passed by the following vote:

Ayes:—Arthur, Axtell, Bray of Rosebud, Buchanan, Burt, Conner, Everett, Faust, Giltinan, Harrison, Hilger, Johnson, King, Lancaster, Lehson, Martin, McCone, Rice, Sales, Self, Stapleton, Sykes, Tolman, Tooley, Vagg, Webb, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Woodworth, Word and Mr. Speaker—32.

Nays:—Allen, Bray of Lewis and Clarke, Beaudry, Bever, Brownlee, Cannon, Dwight, Farmer, Flaherty, Gangner, Graham, Hefferlin, Hilman, King, Lanstrum, Lienemann, Miller, Miles, Morrissey, McCone, MacDonald, Noble, O'Keefe, Owen, Pelletier, Schwend, Shannon, Stadler, Teal, Whiteley, and Wood—31.

Word moved that House Bills Nos. 308 and 309 be recommitted to Committee of the Whole to be made a special order for 2 o'clock P. M. Carried.

Self, at 12.05 P. M. moved to take a recess until 2 o'clock P. M. Carried.

AFTERNOON SESSION.

House reassembled at 2 o'clock P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

Miller, by unanimous consent made the following report:

"Mr. Speaker:—Your Committee on State Boards and Officers to which was referred House Bill No. 346, a bill for an act appropriating money for the payment of the claim of the Montana Hardware Co. of Lewistown, Montana, account supplies Company "I" First Montana National Guard, has considered the same and report it back with the recommendation that it do pass."

Bill ordered printed.

Also: "Mr. Speaker:—Your Committee on State Boards and Officers, to which was referred House Bill No. 348, a bill for an act appropriating money for additional maintenance of the State University at Missoula, Montana, has considered the same and report it back without recommendation." On motion of Self, bill ordered printed.

Also: "Mr. Speaker:—Your Committee on State Boards and Officers, to which was referred House Bill No. 347, a bill for an act appropriating money for salaries of certain officers, additional money for state institutions, and for various other expenses connected with the state government, has considered the same and report it back with the recommendation that the words "for additional expenses of Historical Library, for 1903 Seven Hundred Dollars" be stricken out, and the words "For additional expenses for Historical Library, for 1904, Five Hundred Dollars" be stricken out, for the reason that the same item has been covered in the general appropriation bill; and as amended that it do pass."

On motion of Faust, report adopted. Bill ordered printed.

THIRD READING OF BILLS.

House Bill No. 315, read third time and passed by the following vote:

Ayes:—Allen, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Brownlee, Burt, Cannon, Conner, Faust, Giltinan, Harrison, Hefferlin, Hilman, Johnson, King, Lancaster, Lanstrum, Lynch, Miller, Miles, McCone, Noble, Sales, Self, Stadler, Stapleton, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Woodworth and Mr. Speaker—37.

Nays:—Arthur, Axtell, Beaudry, Downey, Duggan, Dwight, Farmer, Flaherty, Graham, Hilger, Lehsou, Lienemann, Morrissey, MacDonald, MacGinniss, O'Keefe, Owen, Schwend, Shannon, Webb, Wood,—21.

House Bill No. 308, read third time and passed by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Downey, Duggan, Dwight, Flaherty, Graham, Harrison, Hefferlin, Johnson, King, Lanstrum, Lienemann, Lynch, Miles, Morrissey, MacDonald, MacGinniss, O'Keefe, Owen, Pelletier, Shannon, Stadler, Stapleton, Teal, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke and Wood—34.

Nays:—Brownlee, Burt, Cannon, Conner, Farmer, Faust, Giltinan, Hilger, Hilman, Lancaster, Lehsou, Martin, Miller, McCone, Noble, Sales, Self, Schwend, Story, Swindlehurst, Sykes, Tolman, Tooley, Vagg, Webb, Williams, Woodworth and Mr. Speaker—28.

Conner moved to recommit H. B. No. 309 to Committee of the Whole. Motion Lost.

House Bill No. 309, read third time and passed by the following vote:

Ayes:—Allen, Axtell, Bray of Lewis and Clarke, Beaudry, Benson, Buchanan, Dempster, Downey, Duggan, Farmer, Flaherty, Graham, Harrison, Hefferlin, Johnson, King, Lanstrum, Lienemann, Lynch, Miller, Morrissey, MacDonald, MacGinniss, O'Keefe, Owen, Pelletier, Shannon, Stadler, Stapleton, Teal, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke and Wood—34.

Nays:—Arthur, Bray of Rosebud, Brownlee, Burt, Cannon, Conner,

Dwight, Everett, Faust, Giltinan, Hilger, Hilman, Lancaster, Lehsou, Martin, Miles, McCone, Noble, Sales, Self, Schwend, Story, Swindlehurst, Sykes, Tolman, Tooley, Vagg, Webb, Williams, and Woodworth and Mr. Speaker—31.

House Bill No. 314, read third time and passed by the following vote:

Ayes:—Bray of Rosebud, Brownlee, Buchanan, Conner, Dempster, Duggan, Everett, Farmer, Faust, Flaherty, Giltinan, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lienemann, Lynch, Martin, Miller, Miles, McCone, MacGinniss, Noble, Rice, Sales, Self, Shannon, Stapleton, Story, Swindlehurst, Teal, Tolman, Tooley, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth and Mr. Speaker—43.

Nays:—Arthur, Axtell, Bray of Lewis and Clarke, Beaudry, Benson, Burt, Downey, Dwight, Lehsou, Morrissey, MacDonald, O'Keefe, Owen, Pelletier, Schwend, Stadler, Sykes, Vagg and Webb—20.

Mr. Speaker announced that he was about to sign Senate Bills Nos. 29 and 81.

House Bill No. 316, read third time and passed by the following vote:

Ayes:—Allen, Bray of Rosebud, Brownlee, Buchanan, Burt, Conner, Everett, Faust, Giltinan, Harrison, Hefferlin, Hilman, Johnson, King, Lancaster, Lanstrum, Lienemann, Lynch, Martin, Miller, Miles, McCone, MacDonald, MacGinniss, Noble, Self, Stadler, Stapleton, Swindlehurst, Teal, Tolman, Tooley, Vagg, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth and Mr. Speaker—39.

Nays:—Arthur, Axtell, Bray of Lewis and Clarke, Beaudry, Dempster, Downey, Duggan, Dwight, Farmer, Flaherty, Graham, Hilger, Lehsou, Morrissey, O'Keefe, Owen, Pelletier, Sales, Schwend, Shannon, Story, Sykes, Webb, Whiteley, 24.

House Bill No. 293, read third time and passed by the following vote:

Ayes:—Allen, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Brownlee, Buchanan, Burt, Dempster, Duggan, Farmer, Faust, Flaherty, Giltinan, Graham, Harrison, Hilman, Johnson, King, Lanstrum, Lynch, Martin, Miller, Miles, Morrissey, McCone, MacDonald, Noble, O'Keefe, Sales, Self, Schwend, Stadler, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth and Mr. Speaker—46.

Nays:—Arthur, Downey, Dwight, Everett, Hefferlin, Hilger, Lancaster, Owen, Pelletier, Shannon, Stapleton, Whiteley—11.

House Bill No. 250, read third time and passed by the following vote:

Ayes:—Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Bever, Brownlee, Buchanan, Burt, Conner, Dempster, Downey, Duggan, Farmer, Flaherty, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, Lancaster, Lynch, Martin, Miller, Miles, Morrissey, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pelletier, Sales, Self, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tooley, Vagg, Whiteley, Williams, Wilson of Lewis and Clarke, Wood, Woodworth and Mr. Speaker—52.

Nays None.

House Bill No. 251, read third time and passed by the following vote:

Ayes:—Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Downey, Duggan, Everett, Farmer, Faust, Flaherty, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lehsou, Lynch, Miles, McCone, MacDonald, Noble, O'Keefe, Owen, Pelletier, Rice, Sales, Self, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—53.

Nays: McGinniss—1.

House Bill No. 252, read third time and passed by the following vote:—

Ayes:—Allen, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Downey, Duggan, Everett, Faust, Flaherty, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, Lancaster, Lanstrum, Lehsou, Lienemann, Lynch, Martin, Miller, Miles, Morrissey, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pelletier, Self, Schwend, Stadler, Stapleton, Story,

Swindlehurst, Sykes, Teal, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—58.

Nays None.

House Bill No. 328, read third time and passed by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Bever, Brownlee, Buchanan, Burt, Cannon, Dempster, Downey, Dwight, Faust, Flaherty, Harrison, Hilger, Hilman, Johnson, Lancaster, Lanstrum, Lehsou, Lienemann, Lynch, Martin, Morrissey, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pelletier, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—56.

Nays None.

House Bill No. 196, read third time and passed by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Bever, Brownlee, Buchanan, Burt, Conner, Dempster, Downey, Duggan, Dwight, Faust, Flaherty, Giltinan, Graham, Harrison, Hilger, Hilman, Johnson, Lancaster, Lehsou, Lynch, Martin, Morrissey, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pelletier, Sales, Self, Schwend, Shannon, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—53.

Nays:—Tooley, and Vagg—2.

House Bill No. 257, read third time and passed by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Bever, Brownlee, Buchanan, Burt, Conner, Downey, Duggan, Dwight, Faust, Flaherty, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, Lancaster, Lanstrum, Lienemann, Lynch, Martin, Morrissey, McCone, MacDonald, MacGinniss, Noble, Owen, Pelletier, Stapleton, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth and Mr. Speaker—47.

Nays:—Farmer, Lehsou, O'Keefe, Self, Schwend, Shannon, Whiteley and Word—8.

House Bill No. 261, read third time and passed by the following vote:

Ayes:—Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Bever, Brownlee, Burt, Conner, Downey, Duggan, Dwight, Farmer, Faust, Flaherty, Giltinan, Graham, Harrison, Hilger, Hilman, Johnson, Lancaster, Lanstrum, Lienemann, Lynch, Martin, Morrissey, McCone, MacDonald, MacGinniss, Noble, Pelletier, Sales, Self, Shannon, Stadler, Swindlehurst, Sykes, Tolman, Tooley, Vagg, Webb, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—49.

Nays:—Axtell, Hefferlin, O'Keefe, Owen, Schwend, Stapleton and Whiteley—7.

Substitute for House Bill No. 114, read third time and passed by the following vote:—

Ayes:—Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Brownlee, Burt, Cannon, Conner, Dempster, Downey, Duggan, Dwight, Farmer, Faust, Flaherty, Graham, Harrison, Hefferlin, Hilger, Johnson, Lancaster, Lanstrum, Lehsou, Lienemann, Lynch, Martin, Miller, Miles, Morrissey, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pelletier, Sales, Stadler, Stapleton, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth and Mr. Speaker—55.

Nays, Self—1.

House Bill No. 52, read third time and passed by the following vote:

Ayes:—Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Burt, Cannon, Conner, Dempster, Downey, Duggan, Dwight, Faust, Flaherty, Giltinan, Graham, Hefferlin, Hilger, Johnson, King, Lancaster, Lanstrum, Lienemann, Lynch, Martin, Miller, Miles, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pelletier, Sales, Self, Schwend, Stadler, Stapleton, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—55.

Nays, Farmer—1.

Substitute House Bill No. 290, read third time and passed by the following vote:

Ayes:—Allen, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Burt, Cannon, Conner, Dempster, Downey, Duggan, Dwight, Flaherty, Giltinan, Graham, Hefferlin, Hilger, Johnson, King, Lancaster, Lanstrum, Lienemann, Lynch, Miller, Miles, Morrissey, McCone, MacDonald, Noble, O'Keefe, Owen, Pelletier, Sales, Self, Schwend, Shannon, Stadler, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—54.

Nays, Arthur, Farmer, Stapleton—3.

House Bill No. 197, read third time and passed by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Buchanan, Burt, Cannon, Dempster, Downey, Duggan, Dwight, Faust, Flaherty, Giltinan, Graham, Hefferlin, Hilger, Johnson, Lancaster, Lanstrum, Lienemann, Lynch, Martin, Miller, Miles, Morrissey, McCone, MacGinniss, Noble, O'Keefe, Owen, Pelletier, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Swindlehurst, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Word and Mr. Speaker—55.

Nays None.

House Bill No. 272, read third time and passed by the following vote:

Ayes:—Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Buchanan, Burt, Cannon, Dempster, Dwight, Faust, Flaherty, Graham, Hefferlin, Hilger, Johnson, Lancaster, Lanstrum, Lienemann, Lynch, Martin, Miller, Miles, Morrissey, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Schwend, Stadler, Stapleton, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—50.

Nays None.

Senate Bill No. 67, read third time and concurred in by the following vote:

Ayes:—Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Burt, Conner, Dempster, Downey, Duggan, Farmer, Faust, Giltinan, Graham, Johnson, King, Lehsou, Lienemann, Lynch, Martin, MacDonald, MacGinniss, O'Keefe, Pelletier, Stadler, Stapleton, Story, Swindlehurst, Teal, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth—34.

Nays:—Allen, Beaudry, Brownlee, Cannon, Dwight, Flaherty, Harrison, Hefferlin, Hilman, Miller, Noble, Owen, Self, Schwend, Tooley, Vagg and Word—17.

Mr. Speaker announced that he was about to sign Senate Bills Nos. 89 and 46.

Senate Bill No. 54, on motion of Allen was recommitted to Committee of the Whole.

Senate Bill No. 80, read third time and concurred in by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Burt, Conner, Duggan, Dwight, Everett, Farmer, Faust, Flaherty, Gangner, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, Lancaster, Lanstrum, Lehsou, Lienemann, Lynch, Miller, Miles, Morrissey, MacDonald, MacGinniss, O'Keefe, Pelletier, Sales, Self, Schwend, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Williams, Wilson of Cascade, Wood, Woodworth and Mr. Speaker—54.

Nays None.

Senate Bill No. 84, read third time and concurred in by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Burt, Cannon, Conner, Dempster, Duggan, Dwight, Farmer, Faust, Flaherty, Giltinan, Graham, Harrison, Hilger, Hilman, Johnson, Lancaster, Lanstrum, Lehsou, Lynch, Miller,

Miles, Morrissey, MacDonald, MacGinniss, O'Keefe, Pelletier, Sales, Schwend, Shannon, Stadler, Story, Swindlehurst, Sykes, Teal, Tooley, Vagg, Webb, Williams, Wilson of Cascade, Wood, Woodworth and Mr. Speaker—51.

Nays: Self, Stapleton, Wilson of Lewis and Clarke—3.

Senate Bill No. 76, read third time and concurred in by the following vote:

Ayes:—Allen, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Burt, Cannon, Dwight, Farmer, Faust, Flaherty, Giltinan, Graham, Hefferlin, Hilman, Johnson, Lancaster, Lanstrum, Lehson, Lienemann, Lynch, Martin, Miller, Miles, Morrissey, MacGinniss, O'Keefe, Pelletier, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Webb, Whiteley, Wilson of Lewis and Clarke, Wood, Woodworth and Mr. Speaker—45.

Nays:—Harrison, Hilger, Sales, Self, Wilson of Cascade—5.

Senate Bill No. 77, read third time and concurred in by the following vote:

Ayes:—Allen, Axtell, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Burt, Conner, Farmer, Flaherty, Giltinan, Harrison, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehson, Lienemann, Lynch, Martin, Miller, Miles, MacDonald, MacGinniss, Noble, Owen, Pelletier, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth and Mr. Speaker—49.

Nays:—Cannon, Faust, 2.

Senate Bill No. 78, read third time and concurred in by the following vote:

Ayes:—Allen, Axtell, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Faust, Flaherty, Harrison, Hefferlin, Hilger, Hilman, Johnson, Lancaster, Lanstrum, Lehson, Lienemann, Lynch, Martin, Miller, Miles, Morrissey, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pelletier, Sales, Self, Shannon, Stadler, Stapleton, Swindlehurst, Sykes, Teal, Tooley, Vagg, Webb, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—51.

Nays, Schwend—1.

Senate Bill No. 83, read third time and concurred in by the following vote:

Ayes:—Allen, Bray of Rosebud, Beaudry, Benson, Burt, Faust, Harrison, Hilman, Johnson, Lanstrum, Lehson, Miller, McCone, MacDonald, Noble, Owen, Self, Schwend, Stadler, Stapleton, Woodworth and Word—22.

Nays:—Axtell, Downey, Flaherty, Hefferlin, Lancaster, Lienemann, Lynch, Morrissey, O'Keefe, Pelletier, Shannon, Swindlehurst, Sykes, Tolman, Tooley, Vagg, Whiteley, Wilson of Lewis and Clarke, Wood and Mr. Speaker—20.

Senate Bill No. 88, read third time and concurred in by the following vote:—

Ayes:—Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Brownlee, Buchanan, Burt, Conner, Downey, Dwight, Faust, Flaherty, Graham, Harrison, Hilger, Hilman, Johnson, Lancaster, Lanstrum, Lienemann, Lynch, Martin, Miles, Morrissey, McCone, MacDonald, Noble, O'Keefe, Owen, Pelletier, Sales, Schwend, Shannon, Stadler, Stapleton, Swindlehurst, Sykes, Vagg, Webb, Whiteley, Williams, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—47.

Nays None.

Wilson of Cascade reported as follows:—

"Mr. Speaker:—Your Committee on Engrossment beg leave to report House Bills Nos. 296, 169, 184, 287, 258, 262, 305, 97, 299, 291, 140 and 157 as correctly engrossed."

Johnson reported as follows:—

"Mr. Speaker:—Your Committee on State Institutions Public Buildings and Grounds having had under consideration Senate Bill No. 73, a bill for an act to be entitled an act to enable the Normal School Land Grant to be further utilized in providing additional buildings and equipment for the Montana State Normal School, respectfully report same back to the House with the recommendation that it be concurred in."

Placed on General Orders.

Beaudry moved to reconsider vote by which Senate Bill No. 83 was passed—Carried.

Lanstrum moved to lay the motion on the table—Lost.

The question recurring upon the concurrence in the bill, the roll was called with the following result:—

Ayes:—Allen, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Bever, Burt, Cannon, Conner, Duggan, Dwight, Faust, Flaherty, Gangner, Graham, Harrison, Johnson, King, Lanstrum, Martin, Miller, Miles, McCone, Noble, Owen, Rice, Stadler, Teal, Woodworth and Word—29.

Nays:—Axtell, Beaudry, Brownlee, Downey, Farmer, Giltinan, Hefferlin, Hilger, Hilman, Lancaster, Lehson, Morrissey, MacGinniss, O'Keefe, Pelletier, Sales, Schwend, Shannon, Story, Swindlehurst, Sykes, Tolman, Vagg, Webb, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood and Mr. Speaker—30.

Bill not concurred in.

The following message was received from the Senate:—

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that the following House Bills were to-day read third time and concurred in, and are herewith returned: 220, 221, 222, 223, 224, 226, 227, 161, 174, 244, 186, 208, 207, 225, 218, 217, 216, 215, 214, 213, 211, 212, 210, 209, 219.

Also that House Bill No. 173 was read third time and concurred in as amended, and same is herewith returned for your concurrence as amended.

Also that House Joint Memorial No. 5 was read third time and concurred in, and same is herewith returned.

Also that House Bill No. 200, Sub. H. B. No. 7 and H. B. No. 228 were to-day not concurred in, and same are herewith returned.

Also that Senate Bills Nos. 101, 95, 104, Sub. S. B. No. 79, Senate Substitute for House Substitute for H. B. No. 204 were to-day read third time and passed, and are herewith transmitted for your concurrence.

X. K. STOUT, Secretary."

Johnson moved the following: "Mr. Speaker:—I move to non-concur in the Senate amendment to House Bill No. 173, and that a conference be asked on the disagreeing votes of the House and Senate, and that the Speaker appoint three conferees to act on the part of the House." Carried.

READING OF SENATE BILLS.

S. B. No. 101, read first and second times, and referred to Committee on Judiciary.

S. B. No. 95, read first and second times, and referred to Committee on Apportionment and Representation.

S. B. No. 97, read first and second times, and referred to Committee on Irrigation and Water Rights.

S. B. No. 79, read first and second times, and referred to Committee on Ways and Means.

S. B. No. 104, read first and second times, and referred to Committee on Education.

Sub. for H. B. No. 204, read first and second times, and referred to Committee on Judiciary.

THIRD READING OF BILLS.

House Bill No. 296, read third time and passed by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Conner, Downey, Duggan, Dwight, Everett, Faust, Flaherty, Gangner, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehson, Lienemann, Lynch, Martin, Miller, McCone, MacGinniss, Noble, O'Keefe, Owen, Pelletier, Rice, Sales, Schwend, Shannon, Teal, Tooley, Vagg, Webb, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Word and Mr. Speaker—54.

Nays None.

House Bill No. 169, read third time and passed by the following vote:

Ayes:—Allen, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Brownlee, Buchanan, Burt, Conner, Dempster, Downey, Duggan, Dwight, Faust, Flaherty, Gangner, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Lynch, Martin, Miller, Miles, McCone, Noble, O'Keefe, Owen, Pelletier, Rice, Sales, Schwend, Shannon, Stadler, Stapleton, Swindlehurst, Teal, Tooley, Vagg, Webb, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Word and Mr. Speaker—54.

Nays:—None.

House Bill No. 184, read third time and passed by the following vote:

Ayes:—Allen, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Brownlee, Buchanan, Burt, Conner, Dempster, Downey, Duggan, Dwight, Faust, Flaherty, Gangner, Giltinan, Graham, Harrison, Hefferlin, Hilger, Lancaster, Lanstrum, Lehsou, Lienemann, Lynch, Martin, Miller, Miles, McCone, Noble, O'Keefe, Owen, Pelletier, Rice, Sales, Schwend, Stadler, Stapleton, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Word and Mr. Speaker—54.

Nays None.

House Bill No. 287, read third time and passed by the following vote:

Ayes:—Allen, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Brownlee, Buchanan, Conner, Dempster, Downey, Dwight, Everett, Faust, Flaherty, Giltinan, Graham, Harrison, Hefferlin, Hilger, Lancaster, Lanstrum, Lehsou, Lienemann, Martin, Miles, McCone, MacGinniss, Noble, O'Keefe, Owen, Pelletier, Sales, Self, Schwend, Stadler, Stapleton, Swindlehurst, Sykes, Teal, Tolman, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Word—48.

Nays, Wood—1.

House Bill No. 258, read third time and passed by the following vote:—

Ayes:—Allen, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Brownlee, Conner, Dempster, Duggan, Faust, Flaherty, Gangner, Graham, Harrison, Hilger, Hilman, Lancaster, Lanstrum, Lehsou, Lienemann, Lynch, Martin, McCone, MacGinniss, Noble, O'Keefe, Owen, Rice, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Tolman, Vagg, Webb, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—48.

Nays: Buchanan, Giltinan, Miles and Teal—4.

The following message was received from the Senate:

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that the Senate having reconsidered the vote whereby H. B. No. 228 was not concurred in, requests the same be returned for the Senate's further action.

X. K. STOUT, Secretary."

House Bill No. 262, read third time and passed by the following vote:—

Ayes:—Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Brownlee, Buchanan, Burt, Conner, Duggan, Faust, Gangner, Giltinan, Graham, Harrison, Hilger, Hilman, Lancaster, Lanstrum, Lienemann, Lynch, Martin, Miles, MacDonald, MacGinniss, Noble, O'Keefe, Pelletier, Rice, Sales, Self, Schwend, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—50.

Nays: Allen, Axtell, Flaherty, and Miller—4.

House Bill No. 305, read third time and passed by the following vote:

Ayes:—Allen, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Brownlee, Buchanan, Burt, Conner, Duggan, Faust, Flaherty, Gangner, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, Lancaster, Lanstrum, Lienemann, Lynch, Martin, Miller, Miles, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Pelletier, Rice, Sales, Self, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth and Mr. Speaker—54. Nays None.

House Bill No. 299, read third time and passed by the following vote:—

Ayes:—Allen, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Burt, Conner, Downey, Duggan, Flaherty, Giltinan, Graham, Hilger, Johnson, Lancaster, Lanstrum, Lienemann, Lynch, Martin, Miller, Miles, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Story, Teal, Tooley, Vagg, Webb, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, and Woodworth—47.

Nays:—Axtell, Dempster, Faust, Gangner, Harrison, Sykes, Tolman, Mr. Speaker—8.

House Bill No. 97, read third time and passed by the following vote:—

Ayes:—Allen, Axtell, Bray of Rosebud, Bever, Brownlee, Burt, Conner, Dempster, Downey, Duggan, Dwight, Everett, Faust, Flaherty, Gangner, Giltinan, Graham, Harrison, Hefferlin, Hilman, Johnson, Lancaster, Lanstrum, Lienemann, Lynch, Martin, Miller, Miles, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Sales, Self, Schwend, Stadler, Story, Swindlehurst, Sykes, Teal, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Lewis and Clarke, Wood and Mr. Speaker—50.

Nays:—Bray of Lewis and Clarke, Beaudry, Benson, Hilger, Pelletier—5.

House Bill No. 291, read third time and passed by the following vote:—

Ayes:—Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Burt, Conner, Dempster, Downey, Duggan, Dwight, Everett, Faust, Flaherty, Gangner, Giltinan, Graham, Hilger, Hilman, Johnson, Lancaster, Lanstrum, Lehsou, Lienemann, Lynch, Martin, Miller, Miles, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Lewis and Clarke, Wood and Mr. Speaker—56.

Nays None.

Substitute House Bill No. 140, read third time and passed by the following vote:

Ayes:—Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Downey, Buchanan, Burt, Conner, Dempster, Downey, Dwight, Everett, Faust, Flaherty, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Lynch, Martin, Miller, Morrissey, McCone, MacDonald, MacGinniss, O'Keefe, Owen, Pelletier, Rice, Sales, Schwend, Stadler, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Lewis and Clarke, Wood and Mr. Speaker—53.

Nays None.

Substitute House Bill No. 157, read third time and passed by the following vote:

Ayes:—Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Conner, Dempster, Downey, Duggan, Dwight, Everett, Faust, Flaherty, Gangner, Graham, Hefferlin, Hilger, Hilman, King, Lancaster, Lanstrum, Lehsou, Lynch, Martin, Miller, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pelletier, Rice, Sales, Shannon, Stadler, Story, Swindlehurst, Teal, Whiteley, Williams, Wilson of Lewis and Clarke, Wood and Mr. Speaker—45.

Nays:—Buchanan, Burt, Harrison, McCone, Schwend, Tolman, Vagg, Webb, and Wilson of Cascade—9.

Wilson of Cascade reported as follows:

"Mr., Speaker:—We, your Committee on Engrossment, beg leave to report House Bills Nos. 150 and 330 as correctly engrossed."

House Bill No. 150, read third time and passed by the following vote:—

Ayes:—Allen, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Dempster, Downey, Duggan, Dwight, Flaherty, Gangner, Giltinan, Graham, Hefferlin, Hilger, Johnson, Lanstrum, Lienemann, Lynch, Martin, Miller, MacGinniss, O'Keefe, Owen, Pelletier, Rice, Schwend, Shannon, Stadler, Swindlehurst, Teal, Whiteley, Williams, Wilson of Lewis and Clarke and Wood—36.

Nays: Brownlee, Buchanan, Burt, Conner, Everett, Faust, Harrison, Hilman, King, Lancaster, Lehsou, Miles, McCone, Noble, Story, Sykes, Tolman, Tooley, Vagg, Webb, Wilson of Cascade and Mr. Speaker—22.

House Bill No. 230, read third time and passed by the following vote:—

Ayes:—Allen, Axtell, Beaudry, Brownlee, Buchanan, Burt, Downey, Duggan, Dwight, Everett, Flaherty, Gangner, Giltinan, Graham, Harrison, Hefferlin, Hilger, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Lynch, Miller, Miles, McCone, MacGinniss, O'Keefe, Owen, Pelletier, Rice, Sales, Schwend, Stadler, Story, Swindlehurst, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood and Mr. Speaker—47.

Nays, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Conner, Faust, Hilman, Noble,—7.

The following message was received from the Governor:

"March 3rd, 1903.

To the Speaker of the House of Representatives, House of Representatives, Helena, Montana:

Sir:—I have the honor to inform you that I have approved the following bills:

House Bill No. 145. An act entitled an act for the establishment of a uniform system of road government and administration in the counties of the State of Montana, and to provide for the levy, collection and disposition of road tax, and providing penalties for the violation of the provisions of this act, and to repeal an act known as "House Bill No. 230 of the Session Laws of the Fifth Legislative Assembly of the State of Montana, entitled an act amending Sections 2640, 2642, 2643, 2680, of the Political Code, relating to the levy, collection and disposition of road taxes, approved March 4th, 1897; and to repeal an act known as "House Substitute for Senate Bill No. 38 of the Session Laws of the Sixth Legislative Assembly of the State of Montana, entitled an act to repeal Sections 2640, 2642, 2643, and 2680, as amended, of House Bill No. 280, etc. etc."

House Bill No. 236. An act to amend sections 2956, 2957 and 2990, and to repeal section 2958 of the Political Code.

House Bill No. 136. An act relating to the fees of the Justices of the Peace.

Substitute for House Bill No. 101. An act for the protection of the health of engineers, and for the safety of men employed under ground, by regulating the hours of labor of hoisting engineers and fixing the penalties for violation thereof.

House Bill No. 128. An act to extend the boundaries of Cascade County, and to alter the boundaries of Choteau County to conform thereto.

H. J. R. No. 1. Resolved by the Senate and House of Representatives that under the authority of Article V of the constitution of the United States, application is hereby made to Congress to forthwith call a constitutional convention for the purpose of submitting to the states for ratification an amendment to the Federal constitution, providing for the election of United States senators by direct vote of the people.

H. B. No. 203. An act to amend Chapter 10 of the Political Code of the State of Montana, relating to pawn brokers, and amending the title thereto so as to include dealers in second-hand goods and junk dealers.

Substitute for House Bill No. 55. An act entitled an act providing for the submitting to the qualified electors of the State of Montana, for their approval or rejection, amendments to Article XVIII of the constitution of the State of Montana, by adding thereto three sections as follows:—

Section 3. Prohibiting the employment of children under sixteen years of age in underground mines.

Section 4. Making eight hours a day's labor in public works, mills, smelters and underground mines.

Section 5. Providing for legislation to enforce the provisions of this article.

J. K. TOOLE, Governor."

On motion of King, House resolved itself into Committee of the Whole to consider General Orders, Swindlehurst in the chair.

House Resumed. Mr. Speaker in the chair.

Swindlehurst reported as follows:—

"Mr. Speaker:—Your Committee of the Whole, to whom was referred

Senate Bills Nos. 59, 63, 75, 54, and House Bills Nos. 332, 338, 327, 340, 341, 111, 254, 342, 335, beg leave to report and recommend as follows:—

1. S. B. No. 59: we recommend that it be concurred in.
2. S. B. No. 63: we recommend that it be concurred in.
3. S. B. No. 75: we recommend that it be not concurred in.
4. S. B. No. 54: that we have amended the same and we recommend that it be concurred in as amended:
5. H. B. No. 332: that we have amended the same and recommend that it do pass as amended.
6. H. B. No. 338: we recommend that it do pass.
7. H. B. No. 327: we recommend that it do pass.
8. H. B. No. 340: we recommend that it do pass.
9. H. B. No. 341: we recommend that it do pass.
10. H. B. No. 111: we recommend that it do pass.
11. H. B. No. 254: we recommend that it do pass.
12. H. B. No. 342: we recommend that it do pass.
13. H. B. No. 334: we recommend that it do pass.
14. H. B. No. 312: we recommend that it do pass.
15. H. B. No. 334: we recommend that it do pass.
16. H. B. No. 306: we recommend that it do pass.
17. H. B. No. 30: amended. We recommend that it do pass as amended."

Report Adopted.

Senate Bills Nos. 59, 63 and 54 placed on third reading.

Senate Bill No. 75 not concurred in.

House Bills Nos. 332, 338, 327, 340, 341, 111, 254, 342, 335, 312, 334, 306 and 30 ordered engrossed.

Tooley reported as follows:

"Mr. Speaker:—Your Committee on Enrollment report House Bills Nos. 12 and 27 as correctly enrolled."

Mr. Speaker announced that he was about to sign House Bills Nos. 12 and 27.

On motion of Dwight, at 7.10 P. M., the House adjourned until to-morrow at 10 o'clock A. M.

B. F. WHITE,
Speaker.

NATHAN GODFREY,
Chief Clerk.

FIFTY-NINTH DAY

Wednesday, March 4th, 1903.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called. All members present.

Prayer by the chaplain.

REPORTS OF STANDING COMMITTEES.

The following reports were made:—

By Self:—"Mr. Speaker:—A majority of your Committee on Judiciary, to whom was referred Senate Bill No. 101, entitled an act to amend section 3828 of the Political Code, relating to liens for personal property tax, beg leave to say that we have had said bill under consideration and report the same back to the House with the recommendation that it be concurred in."

Placed on General Orders.

Also: "Mr. Speaker:—A majority of your Committee on Judiciary, to whom was referred Senate Substitute for House Substitute for House Bill No. 204, entitled an act to amend sections 513, 514 and 524 of the Code of Civil Procedure, and to repeal an act approved March 11, 1901, relating to limitation of actions, beg leave to say that we have had said bill under con-

sideration, and report the same back to the House with the recommendation that it be concurred in."

Placed on General Orders.

By Faust:—"Mr. Speaker:—Your Journal Committee beg leave to report that they have examined the Journal for the 57th day of this session and find the same correct."

By Wilson of Cascade:—"Mr. Speaker:—We, your Committee on Engrossment, beg leave to announce the necessity of extra clerical assistance, and respectfully request the concurrence of the House in our appointment of Amelia Bridenbaugh."

On motion of Lanstrum, request granted.

By Bever:—"Mr. Speaker:—Your Committee on Affairs of Cities, having had under consideration Senate Bill No. 92, a bill for an act entitled an act to amend Section 5117, Part IV, Title III, Chapter VIII, Article II, of the Political Code of the State of Montana, relating to the duties and authorities of the Trustees of Townsites, begs leave to report the same back to the House with the recommendation that it be not concurred in."

On motion of Bever, report adopted. Bill not concurred in.

Also: "Mr. Speaker:—Your Committee on Affairs of Cities, having had under consideration Senate Bill No. 99, a bill for an act to amend Section 4760 of the Political Code of the State of Montana, relating to vacancies in elective offices of cities, begs leave to report the same back to the House with the recommendation that it be concurred in."

Bill placed on General Orders.

By majority of Committee on Ways and Means:

"Mr. Speaker:—We, the majority of your Committee on Ways and Means to whom was referred Substitute for Senate Bill No. 79, a bill for an act to amend section 31 of the Code of Civil Procedure, and Section 4 of Senate Bill No 55, passed by the Seventh Legislative Assembly, entitled an act creating the Twelfth Judicial District of the State of Montana, to be composed of the counties of Choteau and Valley, and providing for the appointment of a judge thereof, approved Feb. 25, 1901, and changing the boundaries of the Sixth, Seventh, Ninth and Tenth Judicial Districts of the State of Montana, respectfully report the same back to the House with the recommendation that it be not concurred in."

(signed) C. S. HEFFERLIN,
T. M. SWINDLEHURST,
J. N. TOLMAN,
L. E. BEAUDRY,
H. E. JOHNSON,
ROBT. BROWNLEE,
W. F. WHITELEY.

By minority of Committee on Ways and Means:

"Mr. Speaker:—We, the minority of your Committee on Ways and Means to whom was referred Substitute for Senate Bill No. 79, a bill for an act to amend section 31 of the Code of Civil Procedure, and Section 4 of Senate Bill No 55, passed by the Seventh Legislative Assembly, entitled an act creating the Twelfth Judicial District of the State of Montana, to be composed of the counties of Choteau and Valley, and providing for the appointment of a judge thereof, approved Feb. 25, 1901, and changing the boundaries of the Sixth, Seventh, Ninth and Tenth Judicial Districts of the State of Montana, respectfully report the same back to the House with the recommendation that it be concurred in."

(signed) C. C. BEVER,
LANSTRUM.

Lanstrum moved the adoption of the minority report. Motion Lost.

Tolman moved the adoption of the majority report—Adopted.

Swindlehurst moved to reconsider the vote just taken.

Tolman move! to lay the motion to reconsider on the table—Carried.

By Buchanan: "Mr. Speaker:—Your Committee on Printing beg leave to report House Bills Nos. 332, 338, 327, and 329, and Subs. for House Bills Nos., 192, 176, 194, 331 as having been returned correctly printed."

The following message was received from the Senate:

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that the following House Bills were to-day not concurred in:—80, 143, 269, 201, 94, 154, Sub. H. B. 58, Sub. H. B. No. 1, Sub. for Sub. H. B. No. 3, and same are herewith returned.

Also, that the Senate to-day appointed Cullen, Hoffman and Anderson as a conference committee to act with a like committee from the House with reference to Senate amendments to H. B. No. 173.

X. K. STOUT, Secretary."

Mr. Speaker appointed Johnson, Hilger and Lanstrum as a conference committee on H. B. No. 173.

By Tooley:—"Mr. Speaker:—Your Committee on Enrollment report the following House Bills as correctly enrolled: Nos. 174, 244, 186, 161, and S. J. M. No. 5, this 4th day of March, 1903."

Mr. Speaker announced that he was about to sign House Bills Nos. 174, 161, 244, 186, and H. J. M. No. 5.

THIRD READING OF BILLS.

Senate Bill No. 54, read third time and concurred in by the following vote:

Ayes:—Allen, Arthur, Bray of Rosebud, Beaudry, Bever, Buchanan, Conner, Dempster, Faust, Flaherty, Gangner, Giltinan, Graham, Harrison, Hefferlin, Hilman, Lancaster, Lienemann, Lynch, Miller, Mullins, Noble, O'Keefe, Owen, Pelletier, Sales, Schwend, Stadler, Stapleton, Swindlehurst, Sykes, Teal, Tolman, Whiteley, Williams, Wilson of Lewis and Clarke, Wood, Woodworth—38.

Nays:—Burt, Lehsou, Pearson, Self, Vagg, Webb, Word, and Mr. Speaker—8.

Senate Bill No. 63, read third time and concurred in by the following vote:

Ayes:—Allen, Arthur, Bray of Rosebud, Beaudry, Benson, Bever, Buchanan, Burt, Cannon, Conner, Dempster, Everett, Faust, Flaherty, Gangner, Giltinan, Harrison, Hefferlin, Hilman, Lancaster, Lehsou, Lienemann, Lynch, Miller, Mullins, Noble, O'Keefe, Owen, Pearson, Pelletier, Sales, Self, Schwend, Stadler, Stapleton, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—49.

Nays, Swindlehurst—1.

Senate Bill No. 59, read third time and concurred in by the following vote:—

Ayes:—Bray of Rosebud, Beaudry, Brownlee, Buchanan, Conner, Everett, Faust, Flaherty, Gangner, Harrison, Hefferlin, Hilman, King, Lancaster, Lehsou, Lienemann, Lynch, Martin, Miller, Mullins, Noble, O'Keefe, Owen, Pelletier, Sales, Self, Stadler, Stapleton, Swindlehurst, Sykes, Teal, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth and Mr. Speaker—38.

Nays: Bray of Lewis and Clarke, Benson, Burt, Schwend, and Vagg—5.

Allen moved the following:

"Mr. Speaker:—I move that a committee of three members be appointed by the chair to investigate and report to the Ninth Legislative Assembly on the advisability of adopting the Torrens Land System, said Board to act without compensation." Carried.

By Wilson of Cascade:—"Mr. Speaker:—We, your Committee on Engrossment, beg leave to report House Bills Nos. 338, 340, 254, 335, 30, 306 as correctly engrossed."

Also: "Mr. Speaker:—We, your Committee on Engrossment, beg leave to report House Bills Nos. 332, 327, 341, 342, 334, 312, as correctly engrossed."

Substitute House Bill No. 30, read third time and passed by the following vote:—

Ayes:—Allen, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Faust, Flaherty, Gangner, Harrison, Hefferlin, Hilman, King, Lancaster, Lienemann, Lynch, Martin, Miller, Miles, Mullins, MacDonald, Noble, Owen,

Pelletier, Self, Schwend, Stadler, Stapleton, Sykes, Teal, Vagg, Whiteley, Williams, Wilson of Lewis and Clarke, Wood, Woodworth, Word—43.

Nays: Lehsou and Mr. Speaker—2.

House Bill No. 340, read third time and passed by the following vote:—

Ayes:—Allen, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Downey, Faust, Flaherty, Gangner, Giltinan, Graham, Harrison, Hefferlin, Hilman, Lancaster, Lehsou, Lienemann, Lynch, Martin, Miller, Mullins, McCone, MacDonald, Noble, Owen, Pelletier, Sales, Self, Schwend, Stadler, Stapleton, Swindlehurst, Teal, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—50.

Nays None.

House Bill No. 338, read third time and passed by the following vote:—

Ayes:—Allen, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Brownlee, Buchanan, Burt, Downey, Faust, Flaherty, Gangner, Graham, Harrison, Hefferlin, Hilman, Lancaster, Lehsou, Lienemann, Martin, Miller, Mullins, Noble, Owen, Pelletier, Sales, Self, Schwend, Shannon, Stadler, Swindlehurst, Sykes, Vagg, Webb, Whiteley, Williams, Wilson of Lewis and Clarke and Mr. Speaker—38.

Nays: Axtell, Conner, Giltinan, Lynch, O'Keefe, Stapleton, Teal, Wood and Word—9.

House Bill No. 306, read third time and passed by the following vote:—

Ayes:—Bray of Lewis and Clarke, Bray of Rosebud, Benson, Brownlee, Buchanan, Burt, Downey, Gangner, Graham, Harrison, Hilman, Johnson, Lanstrum, Lehsou, Lienemann, Miller, Miles, Mullins, McCone, Noble, Owen, Pearson, Rice, Self, Stapleton, Sykes, Teal, Tolman, Vagg, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Woodworth and Mr. Speaker—34.

Nays:—Axtell, Conner, Flaherty, Giltinan, Hefferlin, Hilger, Lancaster, Lynch, Martin, O'Keefe, Pelletier, Sales, Schwend, Shannon, Stadler, Swindlehurst, Webb, Whiteley, Wood and Word—20.

Substitute House Bill No. 111, read third time and passed by the following vote:

Ayes:—Allen, Bray of Rosebud, Benson, Bever, Buchanan, Burt, Cannon, Conner, Dempster, Downey, Everett, Faust, Flaherty, Gangner, Giltinan, Graham, Harrison, Hilger, Hilman, Lancaster, Lehsou, Lienemann, Lynch, Martin, Miller, Miles, Mullins, MacDonald, Noble, O'Keefe, Oweff, Pearson, Pelletier, Rice, Sales, Self, Stadler, Stapleton, Swindlehurst, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wood, Woodworth, Word and Mr. Speaker—49.

Nays, Arthur—1.

House Bill No. 254, read third time and passed by the following vote:—

Ayes:—Allen, Axtell, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Burt, Cannon, Conner, Dempster, Downey, Flaherty, Gangner, Graham, Hefferlin, Hilger, Hilman, Lancaster, Lanstrum, Lehsou, Lienemann, Lynch, Martin, Miller, Mullins, MacDonald, Noble, O'Keefe, Owen, Pearson, Pelletier, Rice, Schwend, Shannon, Stadler, Stapleton, Swindlehurst, Sykes, Tolman, Whiteley, Wilson of Lewis and Clarke, Wood and Word—44.

Nays:—Everett, Faust, Giltinan, Self, Tooley, Vagg, Webb, Williams, Woodworth and Mr. Speaker—10.

House Bill No. 335, read third time and passed by the following vote:—

Ayes:—Allen, Axtell, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Burt, Cannon, Conner, Downey, Faust, Flaherty, Giltinan, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Lynch, Martin, Miller, Mullins, MacDonald, Noble, O'Keefe, Owen, Pearson, Self, Stadler, Stapleton, Sykes, Teal, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—49.

Nays—Dempster and Schwend—2.

House Bill No. 341, read third time and passed by the following vote:—

Ayes:—Allen, Arthur, Axtell, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Burt, Cannon, Conner, Dempster, Downey, Faust, Flaherty,

Gangner, Graham, Harrison, Hefferlin, Hilger, Johnson, Lancaster, Lanstrum, Lehsou, Lienemann, Lynch, Martin, Miller, Mullins, MacDonald, Noble, O'Keefe, Owen, Pearson, Self, Schwend, Stapleton, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—52.

Nays None.

House Bill No. 327, read third time and passed by the following vote:—

Ayes:—Allen, Arthur, Axtell, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Burt, Cannon, Conner, Dempster, Downey, Faust, Flaherty, Giltinan, Harrison, Hilman, Johnson, Lancaster, Lanstrum, Lehsou, Lienemann, Lynch, Martin, Mullins, MacDonald, MacGinniss, Owen, Pelletier, Self, Schwend, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Williams, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—45.

Nays None.

House Bill No. 342, read third time and passed by the following vote; by unanimous consent, amendment making \$1,000 to read \$2,000 adopted on motion of Conner:—

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Downey, Faust, Flaherty, Giltinan, Graham, Harrison, Hilger, Hilman, Johnson, Lancaster, Lanstrum, Lehsou, Lienemann, Lynch, Martin, Miller, Mullins, MacDonald, Noble, O'Keefe, Owen, Pearson, Pelletier, Rice, Schwend, Shannon, Stadler, Swindlehurst, Sykes, Teal, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, and Mr. Speaker—53.

Nays None.

House Bill No. 334, read third time and passed by the following vote:—

Ayes:—Arthur, Bray of Lewis and Clarke, Benson, Brownlee, Buchanan, Conner, Downey, Dwight, Everett, Giltinan, Harrison, Hefferlin, Hilger, Johnson, Lanstrum, Lienemann, Lynch, Miller, Mullins, MacDonald, O'Keefe, Pearson, Rice, Sales, Self, Stadler, Stapleton, Swindlehurst, Sykes, Teal, Tolman, Tooley, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Word and Mr. Speaker—39.

Nays:—Allen, Bray of Rosebud, Beaudry, Bever, Burt, Dempster, Faust, Gangner, Graham, Hilman, Lancaster, Lehsou, Martin, Miles, Noble, Owen, Pelletier, Schwend, Vagg, Woodworth—20.

Substitute House Bill No. 312, read third time and passed by the following vote:—

Ayes:—Allen, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Burt, Dempster, Downey, Everett, Gangner, Graham, Hefferlin, Hilger, Lanstrum, Lienemann, Lynch, Mullins, MacDonald, MacGinniss, O'Keefe, Owen, Pearson, Pelletier, Sales, Self, Schwend, Stadler, Sykes, Teal, Whiteley, Wood, Word and Mr. Speaker—35.

Nays:—Arthur, Buchanan, Conner, Hilman, Johnson, Lancaster, Lehsou, Martin, Miller, Miles, Noble, Tolman, Tooley, Vagg, Webb, Wilson of Cascade, Wilson of Lewis and Clarke, and Woodworth—18.

House Bill No. 332, read third time and passed by the following vote:—

Ayes:—Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Conner, Dempster, Downey, Faust, Flaherty, Graham, Hilger, Hilman, Johnson, Lancaster, Lanstrum, Lehsou, Lienemann, Martin, Miller, Miles, Mullins, MacDonald, Noble, O'Keefe, Pearson, Pelletier, Sales, Self, Schwend, Stadler, Stapleton, Swindlehurst, Sykes, Teal, Tooley, Webb, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth and Mr. Speaker—47.

Nays None.

On motion of O'Keefe, at 12.10 P. M., the House took a recess until 1.30 P. M.

AFTERNOON SESSION.

House reassembled at 1.30 P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

Tooley reported as follows:—

"Mr. Speaker:—Your Committee on Enrollment report that the following House Bills were delivered to His Excellency, the Governor, Nos. 161, 174, 244, 186 and Joint Memorial No. 5, at 11.37 o'clock A. M. March 4th, 1903."

On motion of Lanstrum, the House resolved itself into Committee of the Whole, with Swindlehurst in the chair.

House resumed. Mr. Speaker in the chair.

Swindlehurst reported as follows:—

"Mr. Speaker:—Your Committee of the Whole to whom was referred House Bills Nos. 283, 320, 333, 324, 326, 278, 168, beg leave to report and recommend as follows:—

1. H. B. No. 283: have amended it and recommend that it do pass as amended.

2. H. B. No. 320: we recommend that it do pass.

3. H. B. No. 333: we recommend that it do pass.

4. H. B. No. 324: have amended it and recommend that it do pass as amended.

5. H. B. No. 326: we recommend that it do pass.

6. H. B. No. 278: we recommend that it do pass.

7. Sub. H. B. No. 168: have amended it and recommend that it do pass as amended."

On motion of Webb, report adopted and bills referred to Committee on Engrossment.

House resolved itself into Committee of the Whole on General Orders, with Swindlehurst in the chair.

House resumed. Mr. Speaker in the chair.

Swindlehurst reported as follows:—

"Mr. Speaker:—Your Committee of the Whole to whom was referred Senate Bills Nos. 73, 101, Senate Sub. for H. B. No. 204, 99, House Bills Nos. 300, 304, 273, 132, 60, 284, and 323, beg leave to report and recommend as follows:—

1. S. B. No. 73: we recommend that it be concurred in.

2. S. P. No. 101: we recommend that it be not concurred in.

3. Senate Sub. for H. B. No. 204: we recommend that it be concurred in.

4. H. B. No. 99: we recommend that it be concurred in.

5. H. B. No. 300: we recommend to strike out the enacting clause.

6. H. B. No. 304: that we have amended the same and recommend that it do pass as amended.

7. H. B. No. 273: that we have amended the same and recommend its passage as amended.

8. Substitute H. B. No. 132: that we have amended the same and recommend its passage as amended.

9. Substitute H. B. No. 60: that we have amended the title and recommend its passage as amended.

10. H. B. No. 284: we recommend to strike out the enacting clause.

11. H. B. No. 323: we recommend to strike out the enacting clause."

Report adopted except as to House Bill No. 323.

Lanstrum moved to amend the report so as to recommend the passage of House Bill No. 323, upon which a division was called for—Ayes 28, Nays 32. Motion Lost.

The question recurring upon the adoption of the committee report as to House Bill No. 323—Motion Lost.

Dwight moved to refer the bill to third reading. Carried.

Senate Bills Nos. 73, 99, Senate Sub. for H. B. No. 204, placed on third reading.

Senate Bill No. 101 not concurred in.

House Bills Nos. 304, 273, Sub. H. B. No. 132, Sub. H. B. No. 60, ordered engrossed.

House Bills Nos. 300 and 284, enacting clause stricken out.

House Bill No. 323 placed on third reading.

Buchanan reported as follows:—"Mr. Speaker:—Your Committee on Printing begs leave to report House Bills Nos. 346, 347, 348, and H. J. M. No. 8 as having been returned correctly printed."

By Johnson:—"Mr. Speaker:—Your Committee on State Institutions Public Buildings and Grounds to whom was referred House Joint Resolution No. 4, having had same under consideration, beg leave to report same back to the House with the recommendation that same do pass."

Bill ordered printed.

By Story:—"Mr. Speaker:—Your Committee on Education, having had under consideration Senate Bill No. 104, a bill for an act to amend Section No. 5039 of the Political Code of Montana, relating to the establishment and maintenance of the Free Public Library, respectfully report the same back to the House with the recommendation that it be not concurred in."

On motion of Dwight, report adopted. Bill not concurred in.

By majority of Committee on State Institutions Public Buildings and Grounds:—

"Mr. Speaker:—A majority of your committee on State Institutions Public Buildings and Grounds to whom was referred House Bill No. 344, a bill for an act authorizing the Governor of the State of Montana, to insure the Capitol building and furniture and appropriating money for the payment of said insurance, having had same under consideration, report the same back to the House with the recommendation that it be indefinitely postponed."

(signed) JOHNSON,
THOMAS H. TEAL,
STORY,
DWIGHT,
WOOD.

By minority of Committee on State Institutions Public Buildings and Grounds:—

"Mr. Speaker:—A minority of your Committee on State Institutions Public Buildings and Grounds, to whom was referred House Bill No. 344, a bill for an act authorizing the Governor of the State of Montana, to insure the Capitol building and furniture, and appropriating money for the payment of said insurance, having had same under consideration report same back to the House with the recommendation that it do pass."

(signed) DAVID HILGER.

Miller moved the adoption of the minority report—Carried.

Bill ordered printed.

Everett submitted the following:—

"Helena, Montana, March 4th, 1903.

Whereas, the Committee on Irrigation and Water Rights were by a resolution adopted, empowered and directed to make an investigation of the State Arid Land Grant Commission, and, whereas, the committee have prosecuted said investigation according to the directions of said resolution and have incurred expenses in said investigation in the following amounts, which are at this time unpaid:

E. A. Carleton, attorney fee.....	\$250.00
E. Beach, witness fees, mileage.....	15.00
C. C. Covington, serving subpoenas.....	5.00
Frank D. Hirsch, witness fees and mileage.....	12.20
Dion J. Hogan, witness fees and mileage.....	27.00
James P. Supple, reporting and transcript, three copies	560.00
M. N. Race, cab hire.....	3.00
D. J. Wolvoord, witness fees and mileage.....	15.50
L. D. Beary, witness fees and mileage.....	18.00
A. Wormser, witness fees.....	48.00

Total\$953.70

Now, Therefore, BE IT RESOLVED, by the House of Representatives of the Eighth Legislative Assembly of the State of Montana, that the State Auditor is hereby authorized and directed to draw his warrant in favor of the persons above named for the amounts set opposite their names, and the State Treasurer is hereby authorized to pay same out of the incidental funds of the Eighth Legislative Assembly."

On motion of Conner, resolution adopted.

By unanimous consent, Lynch introduced House Bill No. 350. An act to create the county of Lincoln, to define its boundaries, to provide for its organization and government and to alter the boundaries of Choteau County.

Read first and second times, and referred to Committee on Townships and Counties.

Bever moved that Senate Bill No. 41 be requested returned by the Senate, and be placed on General Orders. Carried.

Wilson of Cascade reported as follows:

"Mr. Speaker:—We your Committee on Engrossment beg leave to report House Bills Nos. 320, 283, 324, 333, 326, 278 and Sub. 168 as correctly engrossed."

On motion of Lanstrum, House resolved itself into Committee of the Whole on General Orders. Swindlehurst in the chair.

House resumed. Mr. Speaker in the chair.

Swindlehurst reported as follows:

"Mr. Speaker:—Your Committee of the Whole to whom was referred House Bills Nos. 346, 347, 348, 321, 313, 345, 277, 337, 185, 68, 192, 194 and H. J. M. No. 8, beg leave to report and recommend as follows.

1. H. B. No. 346: we recommend that it do pass.
2. H. B. No. 347: that we have amended the same and recommend its passage as amended.
3. H. B. No. 348: that it be indefinitely postponed.
4. H. B. No. 321: that it do pass.
5. H. B. No. 313: that it do pass.
6. H. B. No. 345: that it do pass.
7. H. B. No. 277: that it do pass.
8. H. B. No. 337: that the enacting clause be stricken out.
9. H. B. No. 185: that the enacting clause be stricken out.
10. Sub. H. B. No. 68: that the enacting clause be stricken out.
11. Sub. H. B. No. 192: that it do pass.
12. Sub. H. B. No. 194: that it do pass.
13. H. J. M. No. 8: that it do pass."

REPORT ADOPTED.

House Bills Nos. 346, 347, 321, 313, 345, 277, 192, 194 and H. J. M. No. 8 ordered engrossed.

House Bill No. 348 indefinitely postponed.

House Bills Nos. 337, 185, and Sub. H. B. No. 68 enacting clause stricken out.

On motion of Cannon, House resolved itself into Committee of the Whole. Swindlehurst in the chair.

House resumed. Mr. Speaker in the chair.

Swindlehurst reported as follows:

"Mr. Speaker:—Your Committee of the Whole, to whom was referred House Bills Nos. 295, 317, 329, 176, 331, beg leave to report and recommend as follows:

1. H. B. No. 295: we recommend that it do pass.
2. H. B. No. 329: that the enacting clause be stricken out.
3. H. B. No. 317: that the enacting clause be stricken out.
4. Sub. H. B. No. 176: that the enacting clause be stricken out.
5. Sub. H. B. No. 331: that the enacting clause be stricken out."

Report adopted.

House Bill No. 295 ordered engrossed.

House Bills Nos. 329, 317, 176 and 331 enacting clause stricken out.

By Brownlee:—"Mr. Speaker:—Your Committee on Townships and Counties report having had under consideration House Bill No. 350, an act to create the county of Lincoln, to define its boundaries, to provide for its

organization and government, and to alter the boundaries of Choteau County, report it back with the recommendation that it do pass."

Bill ordered printed.

By Tooley:—"Mr. Speaker:—Your Enrollment Committee request the appointment of Mrs. Shelton as clerk."

Adopted.

On motion of Self, at 5.00 P. M., the House took a recess until 7.30 o'clock P. M.

EVENING SESSION.

House reassembled at 7.30 P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

By Wilson of Cascade:—"Mr. Speaker:—Your Committee on Engrossment beg leave to report House Bills Nos. 273, 60, 304, as correctly engrossed."

The following message was received from the Senate:

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that the following House Bills were to-day not concurred in and are herewith returned.

H. B. No. 118, H. B. No. 120 and H. B. No. 81.

X. K. STOUT, Secretary."

By Wilson of Cascade:—"Mr. Speaker:—Your Committee on Engrossment beg leave to report House Bills Nos. 346, 313, 345, Sub. 192, 277, Sub. 194, H. J. M. No. 8, 347, Sub. 295, 323, 321 and Sub. 132 as correctly engrossed."

The following messages were received from the Senate:—

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that the following House Bills were to-day read third time and concurred in and are herewith returned. H. B. Nos. 249, 230, 181, 279, 57, 74, 240, 253, 266, and Sub. H. B. Nos. 100 and 116, Sub. H. J. M. No. 2, Sub. H. B. No. 126, and Sub. H. B. No. 271.

House Bills Nos. 249, 230, 181, 279, 57, 74, 240, 253, 266, and Sub. H. B. Nos. 100 and 116, Sub. H. J. M. No. 2, Sub. H. B. No. 126, and Sub. H. B. No. 271 ordered enrolled.

Also: "Mr. Speaker:—I am directed by the Senate to inform your Honorable body that the following Senate Bills were to-day read third time and passed, and are herewith transmitted for your concurrence. S. B. No. 90, 163, 102, Senate Sub. for H. B. No. 166, and S. B. No. 87.

Also that the following House Bills were to-day read third time and concurred in; and are herewith returned. H. J. M. No. 7, House Bills Nos. 202, 76, 243, 159, Sub. H. Bills Nos. 158 and 163. Also that H. B. No. 275, was to-day not concurred in; and is herewith returned. Also that the following House bills were to-day read third time and concurred in as amended, and same are herewith returned for your concurrence as amended. H. B. No. 83, 297, 228, 122.

X. K. STOUT, Secretary."

H. J. M. No. 7, House Bills Nos. 202, 76, 243, 156 and Sub. for H. Bills Nos. 158 and 163 ordered enrolled.

H. B. No. 122, on motion of Lanstrum, Senate amendment concurred in. Ordered enrolled.

H. B. No. 123, on motion of Cannon, Senate amendment concurred in. Ordered enrolled.

H. B. No. 297, on motion of Miller Senate amendment concurred in. Ordered enrolled.

H. B. No. 228, on motion of Faust, Senate amendment concurred in. Ordered enrolled.

Senate Substitute for H. B. No. 166 and S. B. No. 87, read first and second times and referred to Committee on Labor.

S. B. No. 102, read first and second times, and referred to Committee on Ways and Means.

S. B. No. 103, read first and second times, and referred to Committee on Judiciary.

S. B. No. 90, read first and second times, and referred to Committee on Judiciary.

THIRD READING OF HOUSE BILLS, by unanimous consent.

House Bill No. 273, read third time and passed by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Brownlee, Buchanan, Cannon, Conner, Downey, Duggan, Everett, Faust, Flaherty, Gangner, Giltinan, Hilman, Johnson, Lanstrum, Lienemann, Miller, McCone, O'Keefe, Owen, Pelletier, Rice, Sales, Self, Stadler, Stapleton, Story, Tolman, Tooley, Vagg, Whiteley, Williams, Wilson of Cascade, Wood and Mr. Speaker—42.

Nays: Dwight, Harrison, Schwend, Shannon, Teal, Webb—6.

Substitute House Bill No. 60, read by unanimous consent, by title only, and passed by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Rosebud, Bever, Brownlee, Cannon, Conner, Downey, Duggan, Dwight, Faust, Flaherty, Gangner, Hilman, Johnson, Lienemann, Miller, McCone, O'Keefe, Owen, Pelletier, Rice, Sales, Self, Stadler, Story, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wood and Mr. Speaker—33.

Nays, Bray of Lewis and Clarke, Benson, Buchanan, Giltinan, Harrison, Hilger, Lanstrum, Lynch, Schwend, Shannon, Stapleton and Teal—12.

House Bill No. 304, by unanimous consent, read by title only and failed to pass by the following vote:—

Ayes:—Bray of Lewis and Clarke, Benson, Bever, Buchanan, Conner, Everett, Faust, Giltinan, Hilman, Johnson, Lanstrum, Miller, McCone, Rice, Self, Stapleton, Tolman, Tooley, Vagg, Webb, Wilson of Cascade, Word and Mr. Speaker—23.

Nays:—Allen, Arthur, Bray of Rosebud, Brownlee, Cannon, Dempster, Downey, Duggan, Dwight, Flaherty, Gangner, Harrison, Hilger, Lienemann, Lynch, O'Keefe, Owen, Pelletier, Sales, Schwend, Shannon, Stadler, Story, Sykes, Teal, Whiteley, Williams and Wood—28.

House Bill No. 346, read third time and passed by the following vote:—

Ayes:—Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Bever, Brownlee, Buchanan, Cannon, Conner, Dempster, Downey, Duggan, Dwight, Faust, Flaherty, Giltinan, Harrison, Hilger, Hilman, Johnson, Lanstrum, Lienemann, Lynch, Miller, McCone, Owen, Rice, Sales, Self, Stadler, Story, Swindlehurst, Teal, Tolman, Tooley, Vagg, Whiteley, Wilson of Cascade, Wood, Word and Mr. Speaker—42.

Nays:—Gangner, O'Keefe and Pelletier—3.

House Bill No. 213, by unanimous consent read by title only, and passed by the following vote:—

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Cannon, Conner, Dempster, Downey, Duggan, Dwight, Faust, Flaherty, Gangner, Giltinan, Harrison, Hilger, Hilman, Johnson, Lanstrum, Lienemann, Lynch, McCone, O'Keefe, Pelletier, Rice, Sales, Schwend, Shannon, Stadler, Story, Swindlehurst, Teal, Tolman, Tooley, Vagg, Whiteley, Wilson of Cascade, Wood and Word—43.

Nays:—Buchanan, Miller, Owen, Self, Webb and Woodworth—6.

House Bill No. 345, by unanimous consent read by title only, and passed by the following vote:—

Ayes:—Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Bever, Buchanan, Conner, Cannon, Dempster, Downey, Duggan, Dwight, Faust, Flaherty, Gangner, Giltinan, Hilger, Hilman, Johnson, Lanstrum, Lienemann, Lynch, Miller, Miles, McCone, MacDonald, Noble, O'Keefe, Owen, Pelletier, Rice, Sales, Schwend, Shannon, Stadler, Story, Swindlehurst, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wood and Mr. Speaker—48.

Nays:—None.

Substitute House Bill No. 192, by unanimous consent read by title only and passed by the following vote:

Ayes:—Allen, Bray of Lewis and Clarke, Beaudry, Benson, Bever, Brownlee, Cannon, Conner, Downey, Duggan, Dwight, Faust, Giltinan, Hilman, Johnson, Lanstrum, Lehsou, Lienemann, Lynch, Miller, McCone, MacDonald, Noble, Owen, Rice, Sales, Schwend, Stadler, Story, Swindlehurst, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wood and Mr. Speaker—40.

Nays: Arthur, Bray of Rosebud, Flaherty, Gangner, Harrison, Hilger, Miles, Morrissey, O'Keefe, Pelletier, Shannon—11.

House Bill No. 277, by unanimous consent read by title only, and passed by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Cannon, Conner, Downey, Dwight, Faust, Flaherty, Gangner, Giltinan, Hilman, Johnson, Lanstrum, Lehsou, Lienemann, Lynch, Miller, Miles, Morrissey, McCone, MacDonald, Noble, O'Keefe, Owen, Pelletier, Sales, Schwend, Stadler, Stapleton, Story, Swindlehurst, Tolman, Tooley, Vagg, Webb, Whiteley, Williams and Wood—49.

Nays:—Harrison, Hilger, Miller, Self and Word—5.

Substitute House Bill No. 194, by unanimous consent, read by title only, and passed by the following vote:

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Conner, Dempster, Downey, Duggan, Dwight, Faust, Flaherty, Giltinan, Graham, Hilger, Johnson, Lanstrum, Lehsou, Lienemann, Lynch, Miller, Morrissey, McCone, MacDonald, Noble, O'Keefe, Owen, Pelletier, Rice, Sales, Schwend, Shannon, Stadler, Story, Swindlehurst, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wood, Word and Mr. Speaker—50.

Nays:—Self—1.

House Joint Memorial No. 8, read third time and passed by the following vote:—

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Conner, Dempster, Downey, Duggan, Faust, Flaherty, Gangner, Giltinan, Graham, Hilger, Johnson, Lehsou, Lienemann, Lynch, Miller, Miles, Morrissey, McCone, MacDonald, O'Keefe, Owen, Pelletier, Rice, Self, Schwend, Shannon, Stadler, Stapleton, Swindlehurst, Teal, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wood, Word and Mr. Speaker—47.

Nays:—Dwight, Noble, Sales, and Story—4.

House Bill No. 349, read third time and passed by the following vote:

Ayes:—Allen, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Bever, Brownlee, Cannon, Conner, Dempster, Downey, Duggan, Dwight, Faust, Flaherty, Gangner, Giltinan, Graham, Hilger, Lanstrum, Lehsou, Lienemann, Lynch, Miller, Morrissey, McCone, MacDonald, Noble, O'Keefe, Owen, Pelletier, Rice, Sales, Self, Schwend, Shannon, Stadler, Stapleton, Swindlehurst, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Wilson of Cascade, Wood, Word and Mr. Speaker—49.

Nays None.

Substitute House Bill No. 295, by unanimous consent read by title only, and passed by the following vote:—

Ayes:—Allen, Arthur, Bray of Rosebud, Benson, Brownlee, Dempster, Downey, Duggan, Dwight, Flaherty, Gangner, Giltinan, Graham, Hilger, Hilman, Johnson, Lanstrum, Lehsou, Lienemann, Morrissey, McCone, MacDonald, Noble, O'Keefe, Owen, Pelletier, Rice, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Teal, Tolman, Tooley, Whiteley, Wood and Word—39.

Nays:—Bever, Conner, Miller, Miles, Self, Vagg, Webb, Wilson of Cascade and Mr. Speaker—9.

House Bill No. 323, by unanimous consent read by title only, and passed by the following vote:—

Ayes:—Allen, Bray of Lewis and Clarke, Benson, Bever, Brownlee, Conner, Dwight, Faust, Flaherty, Graham, Hilman, Lanstrum, Lienemann, Miller, McCone, MacDonald, Noble, Owen, Rice, Sales, Self, Story, Swindlehurst, Teal, Tolman, Williams, Wilson of Cascade, and Mr. Speaker—28.

Nays:—Arthur, Bray of Rosebud, Downey, Gangner, Giltinan, Hilger.

Miles, Morrissey, O'Keefe, Pelletier, Schwend, Shannon, Stadler, Stapleton, Tooley, Vagg, Webb, Wood, and Word—19.

House Bill No. 321, by unanimous consent, read by title only, and passed by the following vote:—

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Beaudry, Benson, Bever, Brownlee, Buchanan, Cannon, Conner, Downey, Dwight, Faust, Flaherty, Gangner, Giltinan, Graham, Harrison, Hilger, Hilman, Lanstrum, Lienemann, Miller, Miles, Morrissey, McCone, MacDonald, Noble, O'Keefe, Owen, Pelletier, Rice, Sales, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Teal, Tolman, Tooley, Vagg, Webb, Williams, Wilson of Cascade, Wood, Word and Mr. Speaker—51.

Nays None.

Substitute House Bill No. 132, by unanimous consent, read by title only, and passed by the following vote:—

Ayes:—Allen, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Cannon, Downey, Duggan, Faust, Gangner, Giltinan, Hilger, Hilman, Johnson, Lanstrum, Lienemann, Miller, Miles, Morrissey, McCone, MacDonald, Noble, O'Keefe, Rice, Sales, Self, Schwend, Stadler, Stapleton, Swindlehurst, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wood, Word and Mr. Speaker—44.

Nays:—Arthur—1.

Substitute House Bill No. 168, by unanimous consent read by title only, and passed by the following vote:—

Ayes:—Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Buchanan, Cannon, Downey, Duggan, Faust, Flaherty, Gangner, Giltinan, Graham, Hilger, Hilman, Johnson, Lanstrum, Lehsou, Lienemann, Miller, Miles, Morrissey, MacDonald, Noble, O'Keefe, Pelletier, Rice, Sales, Schwend, Shannon, Stadler, Stapleton, Swindlehurst, Tolman, Whiteley, Williams, Wilson of Cascade, Wood, Word and Mr. Speaker—43.

Nays:—Allen, Teal, Tooley, Vagg and Webb—5.

House Bill No. 320, by unanimous consent read by title only, and passed by the following vote:—

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Cannon, Downey, Duggan, Faust, Flaherty, Giltinan, Graham, Harrison, Hilger, Hilman, Lanstrum, Lehsou, Lynch, Miller, Miles, Morrissey, Noble, O'Keefe, Owen, Pelletier, Schwend, Shannon, Stadler, Story, Swindlehurst, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wood, Word and Mr. Speaker—45.

Nays:—None.

House Bill No. 283, by unanimous consent read by title only, and passed by the following vote:—

Ayes:—Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Bever, Brownlee, Cannon, Downey, Faust, Flaherty, Giltinan, Harrison, Hilger, Hilman, Johnson, Lanstrum, Lehsou, Lienemann, Lynch, Miller, Miles, McCone, MacDonald, Noble, O'Keefe, Pelletier, Rice, Sales, Schwend, Shannon, Stadler, Story, Swindlehurst, Teal, Tooley, Vagg, Webb, Whiteley, Williams, Wood and Mr. Speaker—41.

Nays: Dempster, Duggan, Morrissey—3.

House Bill No. 324, by unanimous consent read by title only, and passed by the following vote:

Ayes:—Bray of Lewis and Clarke, Bray of Rosebud, Benson, Bever, Buchanan, Cannon, Dempster, Duggan, Faust, Flaherty, Giltinan, Hilger, Hilman, Johnson, Lanstrum, Lehsou, Lienemann, Lynch, Miller, Morrissey, McCone, MacDonald, Noble, O'Keefe, Pelletier, Schwend, Shannon, Stadler, Stapleton, Swindlehurst, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wood, Word and Mr. Speaker—40.

Nays: Arthur, Axtell, Downey, Dwight—4.

House Bill No. 333, by unanimous consent read by title only, and passed by the following vote:—

Ayes:—Arthur, Axtell, Bray of Rosebud, Bever, Brownlee, Buchanan, Dempster, Downey, Duggan, Flaherty, Giltinan, Graham, Harrison, Hilger, Hilman, Johnson, King, Lanstrum, Lienemann, Lynch, Miller, Miles, Mor-

rissey, MacDonald, Noble, Owen, Pelletier, Schwend, Shannon, Stadler, Stapleton, Swindlehurst, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wood, Word and Mr. Speaker—43.

Nays:—Allen, Bray of Lewis and Clarke, Burt, O'Keefe—4.

House Bill No. 326, read third time and passed by the following vote:—

Ayes:—Allen, Arthur, Axtell, Bray of Lewis and Clarke, Beaudry, Benson, Bever, Brownlee, Buchanan, Dempster, Downey, Flaherty, Giltinan, Graham, Hilger, Hilman, Johnson, Lanstrum, Lehsou, Lienemann, Lynch, Miller, Miles, Morrissey, McCone, MacDonald, Noble, Pelletier, Sales, Schwend, Shannon, Stadler, Stapleton, Swindlehurst, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wood, Word and Mr. Speaker—45.

Nays:—O'Keefe—1.

House Bill No. 278, by unanimous consent, read by title only, and passed by the following vote:—

Ayes:—Allen, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Bever, Brownlee, Buchanan, Burt, Dempster, Downey, Faust, Flaherty, Gangner, Giltinan, Graham, Hilger, Hilman, Johnson, Lanstrum, Lehsou, Lienemann, Lynch, Miller, Miles, Morrissey, McCone, MacDonald, Noble, O'Keefe, Pelletier, Self, Schwend, Shannon, Stadler, Stapleton, Swindlehurst, Teal, Wilson of Cascade, Wood, Word and Mr. Speaker—42.

Nays:—Tolman, Tooley, Vagg, Webb and Williams—5.

By unanimous consent, Labor Committee reported as follows:

"Mr. Speaker:—Your Committee on Labor, to whom was referred Senate Substitute for House Bill No. 166, and Senate Bill No. 87, introduced by the Committee on Judiciary, a bill for an act entitled 'an act to determine the liabilities of the employers in this state for damages to employes, having had the same under consideration beg leave to report the same back to the House with the recommendation that it be concurred in.'"

On motion of Dempster, report adopted. Placed on General Orders.

By unanimous consent Dwight introduced the following resolution:

"Whereas, by authority of a resolution adopted by this body on Feb. 6, 1903, authorizing your special committee, appointed for the purpose of investigating the violations of the anti-gambling, were authorized to incur such expense as they deemed necessary to carry out said investigations, therefore, Be It Resolved that the House of Representatives direct the Auditor to draw his warrant for the sum of \$10 and the Treasurer to pay the same for the payment of J. P. Supple for services rendered as stenographer for said committee." Adopted.

By unanimous consent, a majority of Judiciary Committee reported as follows:

"Mr. Speaker:—We, a majority of your Judiciary Committee, having had Senate Bill No. 90 under consideration, beg leave to report the same back and recommend as follows:—That the same is in conflict with the treaty of Rights, entered into at Hellgate in 1855, between the United States and the Flathead, Kootenai and Pend d'Oreille Indians, and perhaps in conflict with other treaty rights with other Indians. Inasmuch as the above named Indians cannot be effected by said bill, because of said treaty, and the same may be the means of ridding the State of Montana of the renegade Cree Indians, coming from Canada, we recommend that Senate Bill No. 90 be concurred in."

(signed) HARRY VAGG,

H. J. FAUST,

GUY W. STAPLETON,

ROBT. BROWNLEE,

GEO. McCONE,

THOS. M. EVERETT.

A minority of Judiciary Committee reported as follows:—

"Mr. Speaker:—I, a minority of your Committee on Judiciary, to whom was referred Senate Bill No. 90, entitled, an act regulating the carrying of fire arms by indians, while off of Indian Reservations, beg leave to say that I have considered said bill and report the same back to the House with the recommendation that it be not concurred in for the following reasons:—

1st. That it is in conflict with the treaty between the United States and the Flathead Indians.

2nd. That, desirable as it may be as a police regulation, it would cause much strife, and the counties in which the Indian reservations are situated may be greatly burdened with debt, and no doubt if an effort is made to enforce it, life and property may be destroyed."

(signed) JAMES M. SELF.

Miller moved the adoption of the minority report, upon which a division was called for—Ayes 12, Nays 25. Motion Lost.

Stapleton moved the adoption of the majority report. Carried.

Senate Bill No. 90 concurred in.

By Self:—"Mr. Speaker:—Your Committee on Judiciary, to whom was referred Senate Bill No. 103, entitled an act relating to actions against cities and towns for damages to persons injured on streets and other public grounds by reason of the negligence of any public officer, agent or employee of any city or town of Montana, beg leave to say that we have considered said bill, and report the same back to the House with the recommendation that said bill be not concurred in."

Lanstrum moved to amend by recommending that it be concurred in—Carried.

Bill referred to General Orders.

Word moved to reconsider vote by which House Bill No. 176, had enacting clause stricken out by adopting the report of the Committee of the Whole—upon which a division was called for—Ayes 37, Nays 10—Motion Carried.

Miller moved that the report be amended by recommending that the bill do pass. A division was called for—Ayes 32, Nays 9. Motion Carried.

By Lanstrum, by unanimous consent:—"Mr. Speaker:—Your Committee on Ways and Means to whom was referred Senate Bill No. 102, a bill for an act to amend section 4044, Article I, Chapter XIII, Title X, Part III of the Political Code, relating to suits for the collection of delinquent licenses, respectfully report the same back to the House with the recommendation that it be concurred in."

Bill placed on General Orders.

Senate Bill No. 99, read third time and concurred in by the following vote:—

Ayes:—Allen, Arthur, Axtell, Bray of Rosebud, Beaudry, Bever, Brownlee, Buchanan, Cannon, Dempster, Downey, Dwight, Faust, Flaherty, Gangner, Graham, Harrison, Hilman, Johnson, Lanstrum, Lehson, Lienemann, Lynch, Miller, Morrissey, McCone, MacGinniss, Noble, O'Keefe, Owen, Pelletier, Self, Schwend, Shannon, Stadler, Story, Swindlehurst, Teal, Tolman, Vagg, Webb, Williams, Word and Mr. Speaker—44.

Nays:—Bray of Lewis and Clarke, Everett, Rice, Sales—4.

Senate Substitute for Substitute House Bill No. 204, by unanimous consent, read by title only, and concurred in by the following vote:—

Ayes:—Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Brownlee, Buchanan, Cannon, Downey, Dwight, Faust, Flaherty, Gangner, Graham, Harrison, Hilman, Johnson, Lanstrum, Lehson, Lienemann, Lynch, Miller, McCone, MacGinniss, Noble, Owen, Pelletier, Rice, Self, Schwend, Stadler, Stapleton, Story, Swindlehurst, Teal, Tolman, Vagg, Webb, Williams, Wilson of Cascade, Word and Mr. Speaker—42.

Nays, O'Keefe—1.

Senate Bill No. 73, by unanimous consent read by title only, and concurred in by the following vote:—

Ayes:—Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Bever, Brownlee, Cannon, Dempster, Downey, Dwight, Faust, Flaherty, Gangner, Graham, Harrison, Hilger, Hilman, Johnson, Lanstrum, Lienemann, Miller, Miles, Morrissey, McCone, MacGinniss, Noble, Owen, Pelletier, Sales, Self, Stadler, Story, Teal, Vagg, Webb, Williams, Wilson, of Cascade and Mr. Speaker—39.

Nays:—Everett, Rice and Tolman—3.

On motion of Bever, at 10 o'clock P. M., the House adjourned until 10 o'clock A. M., to-morrow.

B. F. WHITE,
Speaker.

NATHAN GODFREY,

Chief Clerk.

SIXTIETH DAY

Thursday, March 5th, 1903.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called. All members present.

Prayer by the Chaplain.

By Dwight:—"Mr. Speaker:—I hereby give notice that I will on to-morrow or some subsequent day introduce a bill to free Ireland.

By Webb:—"Mr. Speaker:—Your Committee on Rules and Joint Rules, beg leave to report a new rule as follows:—Upon and after the adoption of this rule, the regular order of business shall be dispensed with for the remainder of the session, and all business coming before the House shall be acted upon as may be directed by the Speaker."

On motion of Faust, report adopted.

The following messages were received from the Senate:—

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that the Senate having reconsidered the vote whereby H. B. No. 177 was not concurred in, ask that the bill be returned for further consideration."

X. K. STOUT, Secretary."

Also: "Mr. Speaker:—I am directed by the Senate to inform your Honorable body that the following House Bills were to-day not concurred in, and same are herewith returned.

H. B. No. 293, H. B. No. 309 and Sub. H. B. No. 264.

That the following House Bills were to-day read third time and concurred in, and are herewith returned:—Nos. 261, 342, 335, 299, 238, 296, 328, corrected Sub. H. B. No. 52, Sub. H. B. No. 56. Also that House Bills Nos. 322 and 265 were read third time and concurred in as amended, and are herewith returned for your concurrence as amended.

X. K. STOUT, Secretary."

Senate amendments to H. B. No. 322 not concurred in.

Senate amendments to H. B. No. 265 concurred in. Ordered enrolled.

House Bills Nos. 261, 342, 335, 299, 238, 296, 328, corrected Sub. H. B. No. 52 and Sub. H. B. No. 56 ordered enrolled.

By Buchanan:—"Mr. Speaker:—Your Committee on Printing begs leave to report H. B. No. 350, relating to Lincoln County as having been returned correctly printed."

By Wilson of Cascade:—"Mr. Speaker:—Your Committee on Engrossment beg leave to report House Bill Substitute for H. B. No. 176 as correctly engrossed."

Substitute House Bill No. 176, read third time and passed by the following vote:

Ayes:—Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Everett, Farmer, Faust, Flaherty, Harrison, Hefferlin, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Miller, McCone, MacDonald, Noble, Pearson, Sales, Self, Stadler, Story, Swindlehurst, Sykes, Teal, Tolman, Vagg, Williams, Wilson of Lewis and Clarke, Wood, Woodworth, Wood and Mr. Speaker—40.

Nays:—Allen, Arthur, Bray of Rosebud, Beaudry, Dempster, Gangner, Pelletier, Schwend, Stapleton,—9.

House resolved itself into Committee of the Whole. Swindlehurst in the chair.

House resumed. Mr. Speaker in the chair.

Swindlehurst reported as follows:—

"Mr. Speaker:—Your Committee of the Whole to whom was referred House Bills Nos. 350, S. B. No. 41, Senate Sub. to H. B. No. 166 & S. B. 87, S. B. No. 90, 102, 103, beg leave to report and recommend as follows:

1. H. B. No. 350: we recommend that it do pass.

2. S. B. No. 41: we recommend that it be concurred in.

3. Senate Substitute for House Bill No. 166 and Senate Bill No. 87: we recommend that it be concurred in.

4. S. B. No. 90: we recommend that it be concurred in.

5. S. B. No. 102: we recommend that it be concurred in.

6. S. B. No. 103: that we have amended the same and recommend that it be concurred in as amended.

7. H. J. R. No. 4: we recommend that it do pass."

On motion of Everett, report adopted.

S. B. No. 41, Senate Sub. for H. B. No. 166 and S. B. 87, S. B. No. 90, S. P. No. 102, S. B. No. 103, H. J. R. No. 4, placed on third reading.

House Bill No. 350, on motion of Everett, was considered engrossed. Read third time and passed by the following vote:—

Ayes:—Allen, Arthur, Axtell, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Dwight, Everett, Farmer, Faust, Flaherty, Graham, Harrison, Hefferlin, Hilger, Hilman, Lancaster, Lebson, Lienemann, Linderman, Miller, Morrissey, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pearson, Rice, Sales, Self, Shannon, Stadler, Stapleton, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—57.

Nays:—Gangner, Pelletier, and Schwend—3.

Mr. Speaker announced he was about to sign Senate Bills Nos. 78, 88, 67, 63, 76, 84, 80, 59, and 70.

On motion of Hilger, House resolved itself into Committee of the Whole on House Bill No. 344. Swindlehurst in the chair.

Swindlehurst reported as follows:—

"Mr. Speaker:—Your Committee of the Whole to whom was referred House Bill No. 344, beg leave to report that we have considered the same and recommend that it do pass."

Report adopted.

By Buchanan:—"Mr. Speaker:—Your Committee on Printing* begs leave to report House Bill No. 344 and H. J. R. No. 4 as having been returned correctly printed."

On motion of Conner, rules suspended, House Bill No. 344 considered engrossed and placed on its final passage. Bill read third time and passed by the following vote:—

Ayes:—Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Benson, Bever, Brownlee, Buchanan, Burt, Conner, Dempster, Dwight, Farmer, Faust, Flaherty, Gangner, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lebson, Linderman, Miller, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pelletier, Rice, Sales, Self, Schwend, Stapleton, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—55.

Nays None.

The following communication was received from the Senate:—

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that the following House Bills were to-day not concurred in, and are herewith returned: 140, 308, 104, and 259.

Also that the following House Bills were yesterday read third time and concurred in, and are herewith returned: 184, 169, 196, 251, 89, 338, Sub. 312, 341, 358, 250, Sub. 111, 332, 327, 252, 340.

Also that House Bill No. 113 was read third time and concurred in as amended, and same is herewith returned for your concurrence as amended.

X. K. STOUT, Secretary."

Bill concurred in ordered enrolled, as above.

H. B. No. 113, Senate amendments concurred in.

Senate Bill No. 41, by unanimous consent, read by title only, and concurred in by the following vote:—

Ayes:—Allen, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Dempster, Dwight, Faust, Flaherty, Gangner, Graham, Harrison, Hefferlin, Hilger, Hilman, Lancaster, Lanstrum, Lienemann, Linderman, Miller, Miles, Morrissey, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Rice, Sales, Stadler, Stapleton, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth and Mr. Speaker—51.

Nays:—Self, and Word—2.

Senate Substitute for House Bill No. 166 and Senate Bill No. 87, by unanimous consent, read by title only, and concurred in by the following vote:—

Ayes:—Allen, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Dwight, Faust, Flaherty, Gangner, Graham, Harrison, Hilger, Hilman, Johnson, Lancaster, Lanstrum, Leshou, Lienemann, Lindermann, Miller, Miles, Morrissey, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Sales, Self, Schwend, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Vagg, Webb, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—55.

Nays None.

Senate Bill No. 90, by unanimous consent, read by title only, and concurred in by the following vote:—

Ayes:—Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Brownlee, Buchanan, Burt, Cannon, Conner, Dwight, Faust, Flaherty, Graham, Harrison, Hilger, Hilman, Johnson, Lancaster, Lanstrum, Leshou, Lienemann, Linderman, Miller, Miles, McCone, MacDonald, MacGinniss, O'Keefe, Owen, Sales, Schwend, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—50.

Nays:—Axtell, Gangner, Morrissey, Noble, Pelletier, Self—6.

Senate Bill No. 102, by unanimous consent read by title only, and concurred in by the following vote:—

Ayes:—Allen, Arthur, Axtell, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dwight, Faust, Flaherty, Gangner, Graham, Harrison, Hilger, Hilman, Johnson, Lancaster, Lanstrum, Leshou, Linderman, Miller, Miles, McCone, MacDonald, MacGinniss, O'Keefe, Owen, Pelletier, Sales, Schwend, Stadler, Story, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—50.

Nays, Self—1.

House Joint Resolution No. 4, read third time and passed by the following vote:—

Ayes:—Allen, Axtell, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dwight, Faust, Flaherty, Gangner, Graham, Harrison, Hilger, Hilman, Johnson, Lancaster, Lanstrum, Leshou, Lienemann, Linderman, Miller, Miles, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pelletier, Sales, Self, Stadler, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Webb, Whiteley, Williams, Wilson of Cascade, Wood, Woodworth, Word and Mr. Speaker—51.

Nays, Arthur—1.

Senate Bill No. 103, by unanimous consent read by title only, and concurred in by the following vote:—

Ayes:—Allen, Arthur, Bray of Lewis and Clarke, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Conner, Faust, Flaherty, Gangner, Graham, Harrison, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Leshou, Lienemann, Linderman, Miles, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Pelletier, Rice, Self, Shannon, Stadler, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth and Mr. Speaker—50.

Nays, Cannon and Word—2.

By unanimous consent the Labor Committee reported as follows:—

“Mr. Speaker:—Your Committee on Labor to whom was referred House Bill No. 255, a bill for an act to define the term “fellow-servant” and “vice-principal” in relation to employment in the occupation of railroading within this state; to legally determine what persons are fellow servants and what persons are vice-principals, as respects employees of railway corporations doing business within this state; thus to establish the liability of railroad corporations for damages to employes in consequence of the negligence of agents and other employes of such corporations and to declare void contracts affecting such liability, beg leave to report same back to the House with the recommendation that it be indefinitely postponed.”

Report adopted. Bill indefinitely postponed.

Tooley made the following report:—

"Mr. Speaker:—Your Committee on Enrollment report the following bills as correctly enrolled this 4th day of March, 1903:

H. B. No. 208. An act appropriating money for the payment of the claim of certain persons for services rendered and supplies furnished in maintenance of the Capitol Building.

H. B. No. 209. An act appropriating money for the payment of claims of certain persons for services rendered and supplies furnished to State School of Mines.

H. B. No. 210. An act appropriating money for the payment of claims of certain persons for supplies furnished State Furnishing Board.

H. B. No. 211. An act appropriating money for the payment of the claim of Lewis and Clarke County, account rent and janitor service State Offices.

H. B. No. 212. An act appropriating money for the payment of the claim of the State Publishing Company, account public printing.

H. B. No. 213. An act appropriating money for the payment of the claim of certain persons for services rendered and supplies furnished to Attorney General's Office.

H. B. No. 214. An act appropriating money for the payment of claims of certain persons for services rendered and supplies furnished the Superintendent of Public Instruction.

H. B. No. 215. An act appropriating money for the payment of claims of certain persons for services rendered the office of Secretary of State.

H. B. No. 216. An act appropriating money for the payment of the claim of the Western Union Telegraph Company, account services rendered the State Board of Examiners.

H. B. No. 217. An act appropriating money for the payment of the claim of A. C. Schneider, account transcribing proceedings in the Supreme Court.

H. B. No. 218. An act appropriating money for the payment of claims of certain persons, account maintenance of National Guard.

H. B. No. 219. An act appropriating money for the payment of the claim of E. J. Groeneveld, account travelling expenses Board of Charities and Reform.

H. B. No. 220. An act appropriating money for the payment of claims of certain persons for services rendered and supplies furnished State Reform School.

H. B. No. 221. An act appropriating money for the payment of claims of certain persons for services rendered and supplies furnished the Clerk of the Supreme Court.

H. B. No. 222. An act appropriating money for the payment of the claims of the W. S. Edwards Manufacturing Company, account completion and equipment of Capitol Building.

H. B. No. 223. An act appropriating money for the payment of the claim of John M. Evans, account expenses as member of the State Board of Education.

H. B. No. 224. An act appropriating money for the payment of claims of certain persons for services rendered the State Game and Fish Warden.

H. B. No. 225. An act appropriating money for the payment of the claim of A. F. Longeway, account services as member of the State Board of Health.

H. B. No. 226. An act appropriating money for the payment of the claim of Bernard Shanahan, account court costs.

H. B. No. 227. An act appropriating money for the payment of the claims of certain persons for services rendered and supplies furnished to the State Orphans Home."

The following message was received from the Senate:—

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that the Senate has reconsidered the votes whereby House Bill No. 259 and Sub. H. B. No. 140 were indefinitely postponed, and ask that the bills be returned.

Also that Hoffman, Durham and Waite have been appointed as a con-

ference Committee to act with a like Committee from the House with reference to Senate amendments to House Bill No. 322.

X. K. STOUT, Secretary."

Mr. Speaker announced as Conference Committee on House Bill No. 322 Conner, Miller and Word.

On motion of Lanstrum report of the Committee of the Whole amended, that the bill do pass. Report adopted. Bill placed on General Orders.

On motion of Cannon, at 12.30 P. M., the House took a recess until 2.30 P. M.

AFTERNOON SESSION.

House reassembled at 2.30 P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

Mr. Speaker announced Allen, Swindlehurst and Self as the Committee provided for on Torrens Land System investigation during the forthcoming two years.

Tooley made the following report:—

"Mr. Speaker:—Your Committee on Enrollment report that the following bills were delivered to His Excellency, the Governor, at 2.55 P. M., March 5th, 1903.

H. B. No. 208. An act appropriating money for the payment of the claims of certain persons for services rendered and supplies furnished in maintenance of Capitol Building.

H. B. No. 209. An act appropriating money for the payment of the claims of certain persons for services rendered and supplies furnished the State School of Mines.

H. B. No. 210. An act appropriating money for the payment of the claims of certain persons for supplies furnished the State Furnishing Board.

H. B. No. 211. An act appropriating money for the payment of the claim of Lewis and Clarke County account rent and janitor service State Offices.

H. B. No. 212. An act appropriating money for the payment of the claim of the State Publishing Company, account public printing.

H. B. No. 213. An act appropriating money for the payment of the claims of certain persons for services rendered and supplies furnished the Attorney General's Office.

H. B. No. 214. An act appropriating money for the payment of the claims of certain persons for services rendered and supplies furnished the State Superintendent of Public Instruction.

H. B. No. 215. An act appropriating money for the payment of claims of certain persons for services rendered the office of the Secretary of State.

H. B. No. 216. An act appropriating money for the payment of the claim of the Western Union Telegraph Company, account services rendered the State Board of Examiners.

H. B. No. 217. An act appropriating money for the payment of the claim of A. C. Schneider, account transcribing proceedings in the Supreme Court.

H. B. No. 218. An act appropriating money for the payment of the claims of certain persons, account maintenance of National Guard.

H. B. No. 219. An act appropriating money for the payment of the claim of E. J. Groeneveld, account travelling expenses Board of Charities and Reform.

H. B. No. 220. An act appropriating money for the payment of the claims of certain persons for services rendered and supplies furnished the State Reform School.

H. B. No. 221. An act appropriating money for the payment of the claims of certain persons for services rendered and supplies furnished the Clerk of the Supreme Court.

H. B. No. 222. An act appropriating money for the payment of the claim of the W. S. Edwards Manufacturing Company, account completion and equipment Capitol Building.

H. B. No. 223. An act appropriating money for the payment of the claim of John M. Evans, account expenses as member of the State Board of Education.

H. B. No. 224. An act appropriating money for the payment of claims of certain persons for services rendered the State Game and Fish Warden.

H. B. No. 225. An act appropriating money for the payment of the claim of A. F. Longeway, account services as member of the State Board of Health.

H. B. No. 226. An act appropriating money for the payment of the claim of Bernard Shanahan, account court costs.

H. B. No. 227. An act appropriating money for the payment of the claims of certain persons for services rendered and supplies furnished to the State Orphans Home."

On motion of Lanstrum, House resolved itself into Committee of the Whole, on Senate Bill No. 92. Swindlehurst in the chair.

House resumed. Mr. Speaker in the chair.

Swindlehurst reported as follows:—

"Mr. Speaker:—Your Committee of the Whole, to whom was referred Senate Bill No. 92, beg leave to report that they have considered the same and report that they have amended the bill and recommend that it be concurred in as amended."

Report adopted.

Senate Bill No. 92, read third time and concurred in by the following vote:—

Ayes:—Allen, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Conner, Dempster, Downey, Dwight, Faust, Flaherty, Gangner, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, Lancaster, Lanstrum, Linderman, Lynch, Miller, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Rice, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Vagg, Webb, Whiteley, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—48.

Nays, Self—1.

By unanimous consent, Allen reported as follows:—

"Mr. Speaker:—We, your Committee on Apportionment and Representation, having had under consideration Senate Bill No. 95, an act entitled an act to provide for apportionment of membership and representation of the several counties of Montana in the House of Representatives of the Legislative Assemblies of Montana, and to fix the number of members thereof, beg leave to report the same back with the recommendation that same be not concurred in."

On motion of Lanstrum, report adopted. Bill not concurred in.

Also: "Mr. Speaker:—We, your Committee on Apportionment and Representation, having had under consideration House Bill No. 343, an act entitled an act to provide for the apportionment of membership and representation of the several counties of Montana, the House of Representatives of the Legislative Assemblies of the State of Montana, and to fix the number of members thereof, beg leave to report the same back with the recommendation that the further consideration thereof be indefinitely postponed."

On motion of Cannon, report adopted. Bill indefinitely postponed.

The following message was received from the Senate:—

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that House Bills Nos. 177, 272, 305, 262, 197, 330, 97, Sub. for H. Bills Nos. 30, 114, are hereby concurred in.

Also that House Bill No. 257 is hereby rejected.

Also that House Bills Nos. 316, 306, 314, 150, 107, 254, 315, 287, 334, are hereby not concurred in.

C. E. WOODWORTH, Asst. Secretary."

House Bills Nos. 177, 272, 305, 262, 197, 330, 97, Sub. for House Bills Nos. 30, 114 ordered enrolled.

Mr. Speaker announced that he was about to sign Senate Bill No. 79.

On motion of Lanstrum, at 3.50 P. M., the House took a recess until 4.30 P. M.

AFTERNOON SESSION NO. 2.

House re-assembled at 4.30 P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

Faust reported as follows:—

"Mr. Speaker:—Your Journal Committee beg leave to report that they have examined the Journal of the 58th and 59th days of this session and find the same correct."

Everett, by unanimous consent, reported as follows:—

"Mr. Speaker:—A majority of your Committee on Irrigation and Water Rights report that they have had under consideration Senate Bill No. 97. and report the same back with the recommendation that it do pass."

Dwight moved that the recommendation be changed to recommend that it do not pass. Motion Lost.

Report of Committee adopted and bill placed on third reading.

Senate Bill No. 97 read third time and bill not concurred in by the following vote:—

Ayes:—Allen, Bray of Lewis and Clarke, Downey, Duggan, Lynch, MacDonald, MacGinniss, Rice, Self, and Mr. Speaker—10.

Nays:—Allen, Axtell, Bray, of Rosebud, Beaudry, Brownlee, Buchanan, Burt, Cannon, Dwight, Faust, Gangner, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, Lienemann, Linderman, Miles, Noble, O'Keefe, Owen, Pelletier, Schwend, Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Vagg, Webb, Wilson of Lewis and Clarke, and Wood—37.

The following message was received from the Senate:—

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that the following House Bills were to-day read third time and concurred in, and are herewith returned:—259, 132, Sub. 140.

Also that the following House bills were to-day read third time and concurred in as amended, and are herewith transmitted for your concurrence as amended:—324, Sub. 157, 291.

X. K. STOUT, Secretary."

Senate amendments to House Bill No. 324 concurred in.

Graham moved to reconsider the vote by which Senate Bill No. 97 was not concurred in.

Cannon moved to lay the motion on the table—Carried.

Senate amendments to House Bill No. 291 concurred in.

Senate amendments to Substitute House Bill No. 157 concurred in.

Johnson from Conference Committee, made the following report:—

"Mr. Speaker:—We, your committee appointed to confer with a like committee of the Senate in reference to the amendments made by the Senate to House Bill No. 173, an act providing for the appointment of a commission and the appropriation of money for an exhibition at the St. Louis Fair, beg leave to report that we have met in conference with the Senate Committee and have been unable to reach an agreement. Your committee insisted that the bill as passed by the House should be concurred in without amendment. The Committee of the Senate insisted that the amendment made by the Senate, which carried with it the naming of the commission, be concurred in. A thorough discussion was given the matter and no agreement reached. Your Committee awaits the further orders of the House."

(signed) JOHNSON,
LANSTRUM,
HILGER.

Stapleton moved a call of the House. The roll was called and the following were found absent:—Bever, Conner, Miller, Morrissey, Pearson, and Word.

The Sergeant-at-Arms was dispatched for the absentees. Bever was excused.

On motion of Lanstrum, further proceedings under the call of the House dispensed with.

Mr. Pearson, appearing, was excused for absence.

Self moved the adoption of the report of the House conference com-

mittee on Fairs and Expositions, that their position be sustained and that the vote be taken by roll call, upon which the roll was called with the following result:

Ayes:—Allen, Arthur, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Downey, Duggan, Dwight, Everett, Farmer, Faust, Flaherty, Gangner, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Miller, Miles, McCone, MacDonald, MacGinniss, Noble, O'Keefe, Owen, Pearson, Pelletier, Rice, Sales, Self, Schwend Shannon, Stadler, Stapleton, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wilson of Lewis and Clarke, Wood, Woodworth, Word and Mr. Speaker—69.

Nays None.

Conference report sustained.

Tooley reported as follows:—

"Mr. Speaker:—Your Committee on Enrollment report the following House Bills correctly enrolled this 5th day of March, 1903.

H. B. No. 297. An act requiring foreign surety companies engaged in business in this state to deposit securities with the State Treasurer, and to amend sections 1 and 6 of the act of the Legislative Assembly, approved Feb. 24, 1899.

H. B. No. 279. An act providing for the setting apart of a room in the Capitol Building of the State of Montana, for the storage and safe keeping of the archives and records etc. of the Grand Army of the Republic.

H. B. No. 271. An act to provide for the support of the government of the State of Montana for the fiscal years 1903 and 1904.

H. B. No. 253. An act to amend section 603 of the Political Code of the State of Montana, relating to the refusal to grant certificates to practice medicine and surgery by the State Board of Medical Examiners.

H. B. No. 252. An act appropriating money for the payment of claims of certain persons for services rendered and supplies furnished the State Board of Horticulture.

H. B. No. 250. An act appropriating money for the payment of the claim of the Independent Publishing Co., account services rendered the Historical Library.

H. B. No. 249. An act appropriating money for the payment of claims of certain persons and corporations account services rendered and supplies furnished to and expenses incurred by the State Veterinarian.

H. B. No. 240. An act approving claims Nos. 27483, and 27501, and providing for payment thereof.

H. B. No. 230. An act appropriating money for the payment of the claims of certain persons for expenses incurred for transporting prisoners to the Penitentiary for the years 1899, 1900, 1901 and 1902.

H. B. No. 228. An act entitled an act authorizing receivers, assignees, trustees, guardians, committees, executors, administrators or curators, or any persons holding positions of judicial trust, to include as part of the lawful expense of executing their trust, the cost of procuring bonds, and to allow parties litigant to recover such expenditures as costs, and also providing for the payment of such costs under certain conditions by city or county authorities.

Sub. H. B. No. 202. An act to enable the Normal School Land Grant to be further utilized in providing additional buildings and equipment for the Montana State Normal School.

H. B. No. 181. An act to change the spelling of the name "Choteau."

H. B. No. 159. An act appropriating money for the payment of claims of certain persons and corporations, account of services rendered and supplies furnished to the State Normal School at Dillon, Montana, during the year 1900 for which no appropriation had previously been made.

H. B. No. 122. An act to amend section 1757 of the Political Code, relating to the apportionment of money to school districts.

H. B. No. 83. A bill, for an act to amend section 1840 of the Political Code of Montana, relating to the qualifications of teachers.

H. B. No. 76. An act providing for the investment of moneys in the

of Article XV, Chapter III, Title I, Part III, of the Political Code, relating to the Inspector of Mines.

H. B. No. 184. An act appropriating money for the manual training work at the State Reform School and for the extension and improvement of said school.

H. B. No. 341. An act appropriating money for the payment of the claim of C. R. Garlow for services rendered the Eighth Legislative Assembly of the State of Montana.

Mr. Speaker announced that he was about to sign House Bills Nos. 272, 197, Sub. for House Bills Nos. 100 and 116, House Bills Nos. 30, 312, 56, 265, 299, 261, 205, 243, 184, 341, and 'H. J. R. No. 2.

Colonel J. H. Rice made the presentation of a silver gavel to Mr. Speaker. B. F. White, on part of the members and officers of the Eighth Legislative Assembly. Rice in the chair.

Giltinan offered the following resolution:

"JOINT RESOLUTION".

Resolution tendering a vote of thanks to the members of the State Capitol Commission, and to the contractor, H. L. Frank.

Whereas, the Eighth Legislative Assembly of the State of Montana is the first Assembly to meet in the new state Capitol Building, and—

Whereas, it is meet and proper that recognition and credit should be given by this Assembly to the members of the State Capitol Commission, and to the contractor, for the magnificent structure they have presented to the state,

Now, Therefore, BE IT RESOLVED, that the thanks of the State of Montana, be and are hereby tendered, through this Assembly, to Joseph K. Toole, R. B. Smith, D. E. Folsom, E. Beach, J. M. Fox, A. D. Peck and T. L. Greenough, members if the State Capitol Commission, for their untiring zeal, faithful, efficient and honest discharge of the onerous duties devolving upon them, and who, without the whisper of jobbery or fraud, planned and carried to a successful completion the State Capitol Building of the State of Montana, which stands as a lasting monument to their integrity, honesty and ability.

BE IT FURTHER RESOLVED, that the thanks of the state of Montana are due, and they are hereby tendered to the Honorable H. L. Frank, for faithfully and unflinching carrying out the terms of his contract and the completion of the Capitol Building although at a heavy sacrifice and personal loss to himself.

BE IT FURTHER RESOLVED, that copies of this resolution be suitably engrossed by the Secretary of State, and presented to each member of said Commission and to the Honorable H. L. Frank."

On motion of Lynch, resolution unanimously adopted by a rising vote.

Allen offered the following resolution.

"Resolved, that the members of the House of the Eighth Legislative Assembly, extend to the Honorable B. F. White, Speaker of the House, our sincere thanks, and assure him of our admiration and high appreciation, for the able, dignified and impartial manner in which he has presided over this body during the entire session of the Assembly.

Be It Further Resolved, that as a further mark of respect and esteem, the Chief Clerk is directed to enter this resolution upon the Journal."

Resolution unanimously adopted by a rising vote.

Miller offered the following resolution:—

"Resolved that the thanks of the House of the Eighth Legislative Assembly be and are hereby tendered to Nathan Godfrey, Chief Clerk, for the ability and fidelity with which he has discharged the onerous duties of the opposition; to J. A. Shoemaker, Assistant Chief Clerk; to J. R. Eardley, Journal Clerk; to Chas. R. Garlow, Assistant Journal Clerk; to Marshall N. Race, Sergeant-at-Arms; to J. H. McFarland, Assistant Sergeant-at-Arms; to Rev. A. D. Raleigh, Chaplain; to David Keenan and Michael Leahy, Door Keepers; to N. C. Kinney, and John E. Templeton, Day Watchmen; to Oliver Arnet, Janitor; to Mrs. J. S. Keerl, Engrossing Clerk; to Miss

Alice MacDonald, Enrolling Clerk; to Arthur Wright, Bill Clerk; to Guy Allen, Fred Thieme, Joseph Pierson, Irvin, Weiss, and Thomas Donnelly, Pages; to R. H. Clendennin, Acting Postmaster, and to each and all the committee clerks for the entirely satisfactory manner in which they have discharged their duties.

Resolved, that a copy of this resolution be furnished to each of the employes herein alluded to."

Resolution adopted.

Mr. Speaker announced that he was about to sign Senate Bills Nos. 54, 103, 41, 92, 102, 90, 73, Senate Substitute for House Bills Nos. 166 and 87, and Senate Substitute for Sub. H. B. No. 204.

House took a recess at 9.55 P. M. until 10.10 P. M.

House resumed. Mr. Speaker in the chair.

King moved to reconsider the vote by which Senate Bill amendments to House Bill No. 173 were not concurred in--Carried.

Tooley reported as follows:--

"Mr. Speaker:--Your Committee on Enrollment report the following House Bills as correctly enrolled this 5th day of March, 1903:

Sub. for H. B. No. 140. An act to amend Section 955, Chapter 3, Title 8, Part 4, Division 1, of the Civil Code of Montana, relating to live stock killed or injured, and to add to said chapter a section to be known as section 955-A.

H. B. No. 177. An act giving authority to the City or Town council or any city or town to issue upon the credit of said city or town coupon bonds under certain conditions.

H. B. No. 330. An act to amend sections 14, 27, 31 and 44 of H. B. No. 204, entitled an act relating to public improvements in cities or towns and repealing sections 4817, 4818, 4819, 4820, 4821, 4822, 4823, 4824, 4825, 4826, 4827, 4828, 4829, 4830, 4881, 4882, 4883, 4884, 4885, 4886, 4887, 4888, 4889, 4890, 4891, 4892, 4893, 4894, 4895, 4896, 4897, 4898, 4899 and 4880 of the Political Code of the State of Montana, approved March 8th, 1897.

H. B. No. 174. An act to prohibit the use of deception, misrepresentation and false advertising in the procuring of employes to work in any department of labor in the state and fixing penalties, criminal and civil, for the violation thereof.

H. B. No. 89. An act appropriating money for the completing, furnishing and equipping certain buildings for the University of Montana, at Missoula, Montana.

Sub. H. B. No. 158 and 163. An act providing for the establishment of a Montana State Fair, for the appointment of a Board of Directors, Executive Commission and other officers for the conduct and management thereof, and appropriating money therefor.

H. B. No. 262. An act to amend Sections 4 and 3 of an act to provide for the licensing of insurance companies, associations and societies, doing business in the State of Montana, approved March 4th, 1897.

Sub. for H. B. No. 114. An act to amend section 584, Division I, Title III, Part 4, Chapter 1, of the Civil Code of the State of Montana, relating to reserve in banks.

Sub. for H. B. No. 126. An act to create an office of meat and milk inspector for the State of Montana, and prescribing their powers and duties and compensation therefor.

H. B. No. 97. An act providing for Farmers Institutes, and making appropriations therefor.

Sub. for H. B. No. 157. An act to prevent the owners of real estate and claimants under any of the land laws of the United States, and lessees of state lands, from trespass by depredation or injury from live stock held in herds.

H. B. No. 251. An act appropriating money for the payment of the claim of the Independent Publishing Company, account services rendered the Clerk of the Supreme Court.

H. B. No. 324. An act to amend section 4062 of the Political Code of the State of Montana as the same is now in force after amendment by an act entitled an act to amend Section 4062, Article 2, Chapter 8, Political

Code of Montana, relating to licenses, approved March 4th, 1897, relative to licenses.

H. B. No. 291. An act to protect employes in certain rights relating to company boarding houses, and providing a penalty for the violation thereof.

H. B. No. 259. An act to establish a law uniform with the laws of other states relative to negotiable instruments.

H. B. No. 52. An act approved March 4th, 1897, entitled an act to amend sections 490 and 506 inclusive, being all of Article XI, Chapter 3, Title 1, Part 3, Political Code of Montana, providing for the appointing of a State Examiner and defining his duties and powers.

H. B. No. 196. An act appropriating money for the purchasing and placing of metallic fixtures and shelvings for the Historical and Miscellaneous Department of the State Library.

H. B. No. 340. An act to appropriate moneys for the payment of per diem of officers and attaches of the Eighth Legislative Assembly of the State of Montana.

H. J. M. No. 7. Praying for the opening of a part of the Flathead Indian Reservation and the appointment of an Indian Commission.

H. B. No. 296. An act to amend Section 410 of the Political Code of the State of Montana, relating to the fees of the Secretary of State, approved March 2nd, 1899.

H. B. No. 328. An act making an appropriation for the claim of the Rocky Mountain Bell Telephone Co., account services rendered sundry state officers.

H. B. No. 258. An act making an appropriation for the State Bureau of Child and Animal Protection for the years 1903 and 1904.

H. B. No. 111. An act making an appropriation for the erecting and equipping of additional buildings for the Montana Agricultural College and Experiment Station at Bozeman, Montana.

H. B. No. 338. An act appropriating money to pay the mileage traveled by members of the Senate and House Special Committee to investigate the state institutions, and to pay clerk hire.

H. B. No. 169. An act appropriating money for the relief and benefit of the State Orphans Home.

H. B. No. 335. An act appropriating money for the payment of the salaries of the Commissioners of the Supreme Court and of their clerk, and for incidental expenses.

H. B. No. 332. An act making appropriations for the state institutions of Montana, for the fiscal years ending November 30, 1903 and November 30, 1904.

H. B. No. 342. An act making an appropriation to procure a bronze tablet to be placed in the main hall of the State Capitol Building, and upon which shall be inscribed the name, rank, company, regiment, date of enlistment and date of death of each member of the First Montana Volunteers who lost their life in the Phillipine War.

H. B. No. 305. An act to amend section 6 of an act of the Seventh Legislative Assembly, entitled an act creating a State Board of Health, defining its powers and duties and providing for the compensation of its officers, and providing for the enforcement of the rules and regulations of said Board.

H. B. No. 266. An act to prohibit the advertising to procure divorces."

Also: By Tooley:—

"Mr. Speaker:—Your Committee on Enrollment report the following House Bills were delivered to His Excellency, the Governor, at 8.10 o'clock P. M., March 5th, 1903:

H. B. No. 74. An act enlarging the powers of the Board of Managers of the Montana Soldiers Home, admitting the wives of inmates who were married at the time the Home was established to the privileges of the Home, according to such rules as the Board may prescribe, and appropriating money for the erection of a house for their accommodation.

House Bill No. 57. An act relating to the granting of franchises by cities and towns, and providing a submission of the question of granting any franchise to the resident freeholders whose names shall appear upon the city or county tax roll preceding such election.

H. B. No. 76. An act providing for the investment of moneys in the Normal School Fund and authorizing the State Board of Land Commissioners to purchase and redeem outstanding bonds against said fund.

H. B. No. 83. A bill for an act to amend section 1840 of the Political Code of Montana, relating to the qualifications of teachers.

H. B. No. 122. An act to amend section 1757 of the Political Code, relating to the apportionment of money to school districts.

H. B. No. 159. An act appropriating money for the payment of claims of certain persons and corporations, account services rendered and supplies furnished to the State Normal School at Dillon, Montana, during the year 1902 for which no appropriation had previously been made.

H. B. No. 181. An act to change the spelling of the name "Choteau".

Sub. for H. B. No. 202. An act to enable the Normal School Land Grant to be further utilized in providing additional buildings and equipment for the Montana State Normal School.

H. B. No. 228. An act entitled an act authorizing receivers, assignees, trustees, guardians, committees, executors, administrators or curators, or any person holding positions of judicial trust to include as a part of the lawful expense of executing their trust the cost of procuring bonds and to allow parties litigant to recover such expenditures as costs, and also providing for the payment of such costs under certain conditions by city or county authorities.

H. B. No. 230. An act appropriating money for the payment of the claims of certain persons for expenses incurred in transporting prisoners to the Penitentiary during the years 1899, 1900, 1901 and 1902.

H. B. No. 240. An act appropriating claims Nos. 27483, and 27501, and providing for payment thereof.

H. B. No. 249. An act appropriating money for the payment of claims of certain persons and corporations, account services rendered and supplies furnished to and expenses incurred by the State Veterinarian.

H. B. No. 250. An act appropriating money for the payment of the claim of the Independent Publishing Company, account services rendered the Historical Library.

H. B. No. 252. An act appropriating money for the payment of claims of certain persons for services rendered and supplies furnished the State Board of Horticulture.

H. B. No. 253. An act to amend section 603 of the Political Code of the State of Montana, relating to the refusal to grant certificates to practice medicine and surgery by the State Board of Medical Examiners.

H. B. No. 271. An act to provide for the support of the government of the State of Montana for the fiscal years 1903 and 1904.

H. B. No. 279. An act providing for the setting apart of a room in the Capitol Building of the State of Montana, for the storage and safe keeping of the archives and records, etc. of the Grand Army of the Republic.

H. B. No. 297. An act requiring foreign surety companies engaged in business in this state to deposit securities with the State Treasurer, and to amend Sections 1 and 6 of the act of the Legislative Assembly, approved Feb. 24, 1899.

H. B. No. 327. An act making an appropriation for the payment of the claim of the Helena Ice Company, account supplies furnished the State Capitol.

H. B. No. 196. An act appropriating money for purchasing and placing metallic fixtures and shelving for the Historical and Miscellaneous Department of the State Library.

H. B. No. 340. An act to appropriate moneys for the payment of per diem of officers and attaches of the Eighth Legislative Assembly of the State of Montana.

H. J. M. No. 7. Praying for the opening of a part of the Flathead Indian Reservation and the appointment of an Indian Commission.

H. B. No. 296. An act to amend section 410 of the Political Code of the State of Montana, relating to the fees of the Secretary of State, approved March 2, 1899.

H. B. No. 328. An act making an appropriation for the payment of the

claim of the Rocky Mountain Bell Telephone Company, account services rendered sundry state officers.

H. B. No. 258. An act making an appropriation for the State Bureau of Child and Animal Protection for the years 1903 and 1904.

Sub. for H. B. No. 111. An act appropriating money for the erecting and equipping additional buildings for the Montana Agricultural College and Experiment Station at Bozeman, Montana."

Also, by Tooley:—

"Mr. Speaker:—Your Committee on Enrollment report that the following House Bills were delivered to His Excellency, the Governor, at 8.35 o'clock P. M. March 5th, 1903:

H. B. No. 207. An act appropriating money for the payment of claims of certain persons for services rendered and supplies furnished to the Historical Library.

H. B. No. 341. An act appropriating money for the payment of the claim of C. R. Garlow for services rendered the Eighth Legislative Assembly of the State of Montana.

H. B. No. 184. An act appropriating money for manual training work at the State Reform School, and for the extension and improvement of said school.

H. B. No. 243. An act to amend sections 282, 283, 284, 285, 286 and 289 of Article XV, Chapter III, Title I, Part III of the Political Code, relating to the Inspector of Mines.

H. B. No. 272. An act creating "Pioneer Day".

Sub. for H. B. Nos. 100 and 116. An act to amend section 1124 of the Penal Code of the State of Montana, and sections 3070, 3072 and 3073 of the Political Code of the State of Montana, relating to bounties on wild animals.

H. B. No. 197. An act to provide for the appointment and qualification of a Deputy Secretary of State, Deputy State Treasurer, Deputy State Auditor, and Deputy State Superintendent of Public Instruction.

Sub. for H. B. No. 30. An act appropriating money for the erection and equipment of a school for the feeble-minded of the State of Montana, in accordance with Section 2346 of the Political Code of the State of Montana.

Sub. for H. B. No. 312. An act to appropriate money for the payment of costs and expenses incurred on behalf of the State of Montana, in the contest of the proposed wills in the matter of the estate of Charles Colbert, deceased, pending in the District Court of the State of Montana, in and for the County of Silver Bow.

Sub. for H. B. No. 56. An act relative to the powers and duties of Justices of the Peace and fixing their compensation in certain townships.

Sub. for Joint Resolution No. 2.

H. B. No. 265. An act entitled an act to further protect underground miners.

H. B. No. 261. An act entitled an act to amend section 2 of an act of the Sixth Legislative Session of Montana, entitled an act to provide for an Assistant for the Register of the State Land Office, to fix the salary thereof and designate the fund from which he shall be paid, approved Feb. 24, 1899.

H. B. No. 299. An act to amend sections 3940, 3941, 3943, 3946 and 3947, Part 3, Title 10, Chapter 9, of the Political Code of the State of Montana, relating to the collection of taxes on certain personal property.

H. B. No. 174. An act to prohibit the use of deception, misrepresentation and false advertising in the procuring of employees to work in any department of labor in the State, and fixing penalties, criminal and civil, for the violation thereof."

On motion of King, House resolved itself into Committee of the Whole on House Bill No. 173. Swindlehurst in the chair.

House resumed. Mr. Speaker in the chair.

Swindlehurst reported as follows:—

"Mr. Speaker:—Your Committee of the Whole to whom was referred House Bill No. 173, beg leave to report that they have considered same and recommend that the Senate amendments to said bill be stricken out, and the portion of the bill stricken out by the Senate be reinstated."

Report adopted.

On motion of King, bill returned to the Senate with Senate amendments not concurred in.

Tolman introduced the following:—

H. J. R. No. 5, relating to the appointment of an Irrigation Commission.

Read and adopted.

Mr. Speaker announced that he was about to sign House Bills Nos. 140, 177, 330, 89, Sub. for H. B. No. 156 and 163, 262, 114, 97, 157, 251, 324, 259, 169, 338, 335, 332, 305, 342, 126, 52, 291, 266.

The following message was received from the Senate:—

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that the following House Bills were to-day read third time and concurred in:—346, 321, 345, 278, 347, 320, 326, H. J. M. No. 8, Sub. H. B. No. 60, Sub. H. B. No. 194, Sub. H. B. No. 168.

X. K. STOUT, Secretary."

By Everett:—

"In The House of Representatives of the State of Montana."

"In the Matter of the Transactions of the Arid Land Grant Commission.—Report of Committee.

Mr. Speaker:—We your committee to whom was referred the enclosed resolution, beg leave to make the following report and ask its adoption. The resolution says:

"Be it resolved, by the House of Representatives, that the Committee on Irrigation and Water Rights be and it is hereby authorized and directed to thoroughly investigate and make a complete report to the House of all the transactions of the Arid Land Commission, which said report shall show the projects undertaken, the work accomplished thereon, the amount of bonds issued for such separate district, and for other purposes, the value received for such bonds issued and persons to whom bonds were delivered, and the value received for the same, and account of all moneys appropriated for and received by such commission or by any officer or member thereof expended, the name of the person from received, the purpose for which received and the disposition made of all moneys so appropriated and received, the character and the value of the consideration therefor, and the legal authorities, if any, for obtaining and expending the same. And that said committee inquire particularly into and report upon the amount of about \$3000.00 received by David A. Cory and Donald Bradford, members of the said Arid Land Commission, from A. Wormser, the purpose for which said money was received and for what expended, the legal authority for such expenditure and the names of all persons to whom such amount or any particular portion thereof was paid out and the date of payment; and

BE IT FURTHER RESOLVED, that said committee be and is hereby authorized to send for papers, administer oaths and employ an expert accountant, if need be, to examine the books and papers of such commission, such expert accountant not to be paid a sum to exceed \$200.00."

Pursuant to said resolution your committee began said investigation on the 17th day of February, by taking testimony therein, and they held thirteen sittings, taking some 600 pages of typewritten testimony, which is herewith submitted. The task imposed by the foregoing resolution was a very laborious one, as the resolution required the committee to cover in its investigation all the transactions of said commission, from its organization to the present time, a period of some eight years.

HISTORICAL. The Arid Land Grant Commission was created by the Legislature of 1895, for the purpose of enabling the state to receive the very generous gift of congress in offering to donate to the state one million acres of the arid lands of the United States if the state would reclaim the same, as provided in the Carey Act of 1894.

FIRST COMMISSION. The commission was organized on the 9th of April, 1895, and consisted of the following named persons appointed by Gov. Rickards. E. W. Beattie, A. L. Babcock, H. S. Corbett, J. T. Armington and J. A. Talbot, who selected J. C. Auld as Secretary. This commission did little except to make some surveys on the Yellowstone River, from Fallon to Fort Buford Reservation. It incurred an expense of only \$3831.18. Of this amount, \$706.64 is represented by warrants issued by the commis-

sion and paid by the state treasurer and charged against a \$2,000 appropriation made by the Legislature, the balance of said appropriation reverting to the State Treasurer. \$929.65 of said expense incurred by said commission was paid by the commission which succeeded this. \$2194.90 incurred for other expenses was represented by warrants drawn on the Federal Grant Reclamation Fund, under Section 3543 of the Political Code, and which warrants were registered with the State Treasurer instead of being paid out of the appropriation. This amount represented, for the most part, expenses incurred for engineers, which the members of the commission themselves paid. On April 2, 1897, all members of the commission, including the Secretary, resigned, and a new administration having been inaugurated. On April 7, 1897, the following named persons appointed by Governor Smith, reorganized the Commission as follows:—J. K. Toole, Chairman, Donald Bradford, Field Commissioner, and C. O. Reed Secretary, the remaining members being T. C. Marshall and A. H. Mitchell. On Nov. 4, 1897, Governor Toole resigned as Chairman, he not being in accord with the Commission as to its plans for work. T. C. Marshall succeeded Gov. Toole as Chairman of the Commission, and Messrs. Bradford and Reed were made the Executive Commission, "to perform all work of a detail character", and said Bradford being made Vice Chairman of the Commission. On January 9, 1899, David A. Cory succeeded A. H. Mitchell, deceased, at a salary of \$1800 per year, the limit allowed by law. From the report made to Governor Toole, at his request, by the present State Examiner, Mr. Hudnell, on the 23rd of Jan. 1903, we learn that "that the wisdom of the policy being pursued by the commission was doubted by Jos. K. Toole, who resigned as commissioner Sept. 2, 1899." H. L. Frank was appointed to succeed but did not qualify. J. H. Holt was appointed, but resigned, and J. T. Brown was appointed to the vacancy. Mr. Brown has not, owing to the distance from Helena, actively participated in the Commission's work. Mr. Reed has been out of the State about three years, though in correspondence with the Commission and trying to consummate contracts for it." The commission as at present constituted, is composed of T. C. Marshall, Chairman, who, however, handed his resignation some time since to the Governor; Donald Bradford, Vice Chairman and Field Commissioner, D. A. Cory, Secretary and J. T. Brown.

WORK ATTEMPTED BY THE COMMISSION. DISTRICT NO. 1. In this district 10,632 acres of Billings bench lands were segregated in the fall of 1897. This project received financial aid from the public spirited citizens of Billings, but the amount of money so contributed we are unable to learn either from the reports of the commission made to the Governor, or from the testimony. We find no record of the receipt or disbursement of this money upon the books of the commission. \$13,283.86 were expended on this district, including salaries and office expenses. The project was a complete failure, as not a rod of ditch was dug, or an acre of land reclaimed, or a settler secured. The reason for this failure was offered by the fact that the Northern Pacific Railway Co. refused to co-operate with the commission as was first expected.

DISTRICT NO. 2. 50,360 acres lying between Big Timber and Melville, in Sweetgrass County were segregated by the commission in 1898. The land lies on both sides of the Yellowstone River. Some 8,000 acres on the north side were purchased by the commission from the Holland Irrigation Co., A. Wormser, President. The purchase included some thirteen and one-half miles of canal and water rights appurtenant to the land. The Irrigation company received for their plant \$100,000.00 in bonds issued by the commission. \$132,000.00 in bonds in all were issued to said Irrigation Co. on this district, the remaining \$32,000 being for moneys advanced by Mr. Wormser, or his company, to the Commission, and includes the money received by the Commission and by it disbursed, which matter your committee was especially directed to investigate, and which is hereinafter referred to. The testimony at the hearing showed that this canal could be duplicated for \$20,000 and that it is doubtful if sufficient water has been appropriated to irrigate the 8,000 acres of lands in District No. 2, the final contract being entered into in August, 1899, at \$12.50 per acre, for reclaiming said lands. It seems that every contract let by the commission was for

the maximum price allowed for reclamation, viz: \$12.50 per acre. This contract has long since been forfeited. Work was to have begun under it October 1, 1899, but after numerous extensions, the contract seems to have been abandoned without objection on the part of the Commission. Reference will again be made to District No. 2 in discussing the receipt and disbursement of the \$32,000.00 received from the President of the Holland Irrigation Co. The records of the commission show expenses incurred on this district to the amount of \$26,822.95. The primary cause for abandoning the contract seems to have been the inability to sell the bonds, by which money might be realized for reclaiming the lands. In this district no land has been reclaimed, or settlers secured, and the project, like that in District No. 1, was a complete failure.

DISTRICT NO. 3. This was a project undertaken near the town of Bridger, in Carbon County, upon which an expense of \$6,118.02 was incurred. This expense was, in our opinion, without excuse or justification. No responsible party was dealt with in relation to this undertaking, and the project seems to have been undertaken ill-advisedly. \$2,434.51 in warrants were issued on this district, although the district was never organized and no land whatever was ever segregated. Later warrants on District No. 4 were issued to take the place of these. These warrants are now all outstanding and unpaid.

DISTRICT NO. 4. This district was organized in December, 1900, and contains 36,680 acres of land located in the northern part of Lewis and Clarke County, the project being commonly referred to as the "Dearborn Canal". A contract for the reclamation of this land was let to L. D. Beary, at \$12.00 per acre, which contract has since been assigned to the Mississippi Trust Co. of St. Louis. Considerable work has been done under this contract. At the time of the organization of this district, the Dearborn Canal Co. was the owner of a ditch partially constructed upon the land segregated. This ditch was sold to the state through the agency of the commission. At the time of the sale there was some four miles of ditch constructed, and there have been constructed since said sale some 19 miles of ditch, besides some repairs have been made upon the old ditch. The ditch has been constructed so as to irrigate some 14,000 acres of land, and it is claimed that some 18,000 acres additional will be reclaimed under the existing contract. As yet no settlers have been secured on the land embraced in this district, and your committee are of the opinion that it is extremely doubtful if any can be secured in the near future, although it was claimed at the hearing, by Mr. Bradford, that he had hopes that some forty settlers would locate on this land the coming spring. The expenses incurred on this district, including 25 per cent of Commissioner's salary and general office expenses were \$975.98. \$182,600.00 in bonds have been issued on this district.

DISTRICT NO. 5. District No. 5 was another attempt of the commission to reclaim lands on the Sun River. The only thing accomplished was the expenditure of \$500.00 or more of the moneys received from the Holland Irrigation Canal Co., through Dr. Wormser, in preliminary surveys. It will be seen that a little less than 100,000 acres of land have been segregated, and withdrawn from filing and settlement under the land laws of the United States, or exactly 97,672 acres. Under the price at which it was reclaimed, \$12.50 per acre, with 20 per cent added as the law requires, it must be sold at \$15.00 per acre. We are satisfied that the price for such land is prohibitive of sale and settlement, and that as a result its segregation has been a positive injury to the state. The testimony showed that in one district at least, its segregation has prevented settlers from locating the lands. In the vicinity of the Dearborn Canal it was shown that the highest price at which lands have been assessed in recent years was \$5.00 an acre, and that one large land owner in that vicinity had offered all of his lands at \$7 an acre. It seems to your committee that there is a small chance of selling any of these reclaimed lands at \$15 an acre for a long period of time. Some \$55,981.98 has been incurred in expenses on the five districts, not an acre of which is in cultivation, and on which not a settler has been secured. It appears that the Commission has ceased doing business for some time past and its work is practically at a standstill. We find that operation of the law as it has been administered, has been worse than

a failure, and that it has been a positive injury to the state, and that there is no reasonable hope that anything substantially beneficial will be secured from it as at present administered. We, therefore, recommend its repeal and that the Commission be abolished.

THE WORMSER TRANSACTION. Your Committee was especially directed by said resolution to inquire particularly into the receipt and disbursement of about \$30,000 received by David A. Cory and Donald Bradford, members of the Arid Land Commission, from A. Wormser, and to report the purpose for which said money was received and under what authority the same was expended. Regarding this matter, your committee have to report that through Dr. Wormser, the President of the Holland Irrigation Canal Co., the commission entered into a contract with said canal company as hereinbefore stated, under and by virtue of which the commission required an indemnity bond, in the sum of \$50,000.00 to be executed by said company with A. Wormser as surety, and that said company deposit with the commission \$25,000 in cash as a further guarantee and indemnity to secure the faithful execution of said contract. Prior to the execution of the final contract, which as stated, was in Aug. 1899, Wormser had secured from the Fidelity and Trust Co. of Baltimore, a bond in the sum of \$50,000 for the faithful execution of his contract, and had deposited with said Baltimore Co. the sum of \$25,000 in cash as indemnity. It seems that the commission, upon hearing this and before entering into the final contract with Dr. Wormser, required him to cancel his contract with the Baltimore Co. which he did at a loss to his company of the annual premium of \$400 besides the expenses attending the same, and said commission, in lieu thereof, obtained from Dr. Wormser's Co. a bond of the company, as stated, in the sum of \$50,000 with Dr. Wormser as surety, and further required of him that he should deposit as indemnity, for the faithful execution of his contract with said commission, the sum of \$25,000 in cash. This was done, the cash being first paid by a check of said company, drawn by Dr. Wormser, payable to the order of T. El. Collins, State Treasurer. The evidence shows that the Commission refused to accept the check and insisted that Dr. Wormser should give them a check payable to D. A. Cory, Sec. of said commission. This request of the commission was also complied with and the money was so received from Dr. Wormser was deposited to the credit of the Commission or its agent and within a period of some six or seven months after its receipt was wholly disbursed and used by the commission in the payment of salaries and other expenses, and the indemnity as such was wholly lost and destroyed. Some \$11,000 of this amount was appropriated by the commissioners in the payment of their salaries, most of which was paid to Donald Bradford for his services as Field Commissioner and expenses, and to D. A. Cory in payment of his salary as Secretary. Under the law we believe that the same should have been deposited with the State Treasurer, as required by law. The Commission was informed by Attorney General C. B. Nolan, that the law required the deposit of this money with the State Treasurer, and that their account should be passed upon by the State Board of Examiners. No attention whatever was paid to this opinion or advice from the Attorney General. Attorney General Nolan likewise advised that under the law there was no authority for paying Mr. Bradford, as Field Commissioner, a sum in excess of \$1200.00 per year, but we find from the books of the Commissioners, and from the report of the State Examiner, John G. Morony, introduced as evidence on the hearing, that for a period of four years preceding June 1, 1901, Bradford received \$6 for each and every day of the year, Sundays included, as compensation for his alleged services as Field Commissioner. What time he served or what he did, neither the records nor the books of the Commission, nor Mr. Bradford himself, tells. The vouchers which he submitted and upon which his salary was paid during this period of time were worthless as vouchers, they failing to show when the salary was earned, or what work was done or where performed. Two expert book-keepers who were employed under the authority of said resolution to expert the books of said commission, testified that the vouchers were incomplete. Mr. Bradford himself was unable to inform

your committee where he was or what he did during any month of the four years for which he drew, Sundays included, \$6 per day for his services, except to state that he made trips to St. Paul and Chicago in the interests of the commission. The evidence shows that Governor Toole requested a report of the State Examiners office, and that said Examiners Office, under date of Jan. 23, 1903, made a report concerning the same, which report is offered in evidence before your committee. At page 67 of the record, the report of Mr. Hudnall, State Examiner, states "It became evident that incorrect annual reports had been made, that the books were a labyrinth of incompetence; many transactions had not been entered at all, others in part only, others incorrectly, and many arbitrary, unexplained entries made". On April 7th, 1899, the Board passed a resolution that it hold day sessions, and yet the record book of the commission shows that its next meeting was held the 1st of June. The records of the commission show that in the months of Jan. Feb. and March, 1899, but seven meetings were held, and yet D. A. Cory, as Commissioner, drew a salary during this period of \$300.00. Donald Bradford, who first with C. O. Reed and later with David A. Cory, appear to have been the active members of the commission and directed its plans and policy, received a salary of \$8,420.97 between Dec. 1, 1897, and Dec. 1, 1901. The most he could receive under the law, and as he was advised by Attorney General Nolan, was \$4800.00 for this time. David A. Cory received \$1800.00 from the time of his appointment as Secretary until the Commission went out of business in 1901. This sum he regularly drew for each and every month, although the records which he, as Secretary, kept, show that for long periods of time no meetings of the Commission were held. The remaining members of the commission received but small amounts from the commission in the way of salaries, and these minor sums seem to have been upon proper vouchers. Notwithstanding the Secretary received a salary of \$150.00 per month for keeping the books of the commission, a book-keeper was employed in addition at a salary of \$50.00 per month. It was claimed that this book-keeper was incompetent and kept the books in such a thoroughly bad manner that it became necessary to have them re-written by a competent accountant, which was done at an expense of \$1000.00 to the commission, Mr. David A. Cory employing his son, James W. Cory for that purpose. It was claimed by Mr. D. A. Cory at the hearing that the books as finally re-written by his son and produced before the committee did not correctly represent the matter of the expense of re-writing them. They showed that the commission bore the expense, whereas Mr. Cory claims that he intends to pay the expense himself. However, as the books now stand, the commission paid the expense of \$1,000 for re-writing the books. The evidence showed that the Commission had handled and disbursed some \$41,000.00 or more and that it has issued \$314,800.00 in bonds and \$16,155.43 in warrants, approximately 100,000 acres of land have been withdrawn by the Commission from filing and settlement for reclamation purposes, not an acre of which has been settled or cultivated. We learn upon good authority that the Holland Irrigation Canal Co. is willing to surrender the \$132,000. in bonds issued to it by the commission, upon the reconveyance by the state of its canal and other property, together with the payment of the \$32,000 money advanced to the Commission. By transferring the land, etc. back to the company, it will again be open to settlers. At the time this company sold to the state, about twenty families of Hollanders had been settled by Dr. Wormser on these lands. With the property restored to its former owner, it is believed that many more of these most desirable settlers will settle on the land and thereby the state will receive positive benefit.

All of which is respectfully submitted."

(signed) THOS. W. EVERETT,
C. C. BEVER,
GEO. WOODWORTH,
J. M. TOLMAN,
W. H. SALES,
J. W. LANCASTER,
D. F. WILLIAMS,
W. F. WHITELEY,
JOHN FLAHERTY.

On motion of Rice, report adopted.

Conner reported as follows:—

"Mr. Speaker:—Your Committee which was appointed to confer with a like committee of the Senate beg leave to report that we have conferred with said Committee with reference to House Bill No. 322, being a general appropriation bill, and have agreed upon the following amendments.

1. In line 6 of page 2 of the engrossed bill strike out the words "two thousand" and insert in lieu thereof the words "eighteen hundred."

2. In line 12 of page 2 of said engrossed bill, strike out the words "one thousand nine" and insert in lieu thereof the word "eighteen."

3. After the item of page 2, "for the salary of the Assistant Attorney General" insert the following: "For the salary of the second Assistant Attorney General, eighteen hundred dollars".

4. In the item on page 3, "for the salary of the Assistant State Examiner" strike out the word "five" and insert the word "eight".

5. On page 4 in the item "for the salary of the Clerk of the State Board of Equalization, one thousand eight hundred dollars", add after the word "equalizat on" the words "Board of Pardons, Board of Prison Commissioners and Board of Commissioners of Insane."

6. On page 4, in the item "for the salary of the librarian of the State Librarian" strike out the words "one thousand two hundred dollars" and insert the words "One thousand five hundred dollars".

7. On page 4, in the item "for public printing" strike out the words "seven thousand five hundred dollars" and insert the words "eleven thousand five hundred dollars."

8. On page 4 in the item "for the salary of the Secretary of the Board of Horticulture," strike out the words "two hundred".

9. On page 4 strike out the item "for office and travelling expenses for the State Board of Horticulture, two thousand five hundred dollars".

10. On page 5 after the item "for insurance and care of National Guard property, eight hundred dollars" add the following item: "for the salary of the Adjutant General of the State of Montana, one thousand two hundred dollars"; also the item "For the maintenance of the national Guard, five thousand dollars."

11. On page 5, after the word "provided" strike out the following words: "that no allowance shall be made and no part of the money herein appropriated shall be paid for lodging or subsistence of any of the state officers, or their employees, and providing further".

12. On page 6, under the head of "Judicial Department" in the item "for contingent expenses "of the clerk of the Supreme Court", strike out the word "three" and insert the word "five".

13. On page 2, in the item "salary Stenographer Attorney General" strike out the words "One thousand two" and insert the word "Six".

14. On page 2 of the engrossed bill, in the item "For the salary of the clerk to the State Treasurer," strike out the word "Two" and insert the word "Five".

15. Add after the item of "Assistant State Auditor" on page two, the following: "For salary of Insurance Clerk to the State Auditor, Fifteen Hundred Dollars".

16. On page 7, in the item "for the salary of Assistant State Treasurer" strike out the words "two thousand" and insert the words "Eighteen Hundred".

17. On page 7, in the item "for the salary of the clerk of the State Treasurer," strike out the words "Two" and insert the word "Five".

18. In the item of page 7, "for the salary of the Assistant State Auditor" strike out the word "Nine" and insert the word "Eight".

19. On page 7, after the item "assistant State Auditor" add the following: "for salary of insurance clerk to the state Auditor Fifteen Hundred Dollars".

20. On page 7, after the item "for salary of Assistant Attorney General," insert the following item: "For the Salary of the second assistant Attorney General, Eighteen Hundred Dollars."

21. On page 7, in the item "For the salary of the stenographer to the Attorney General," strike out the word "Twelve" and insert the word "Six".

22. On page 7, in the item "for office and travelling expenses of the Attorney General" strike out the words "Four Hundred" and insert in lieu thereof the words "Six Hundred".

23. On page 8, in the item "for salary of Assistant State Examiner" strike out the word "Five" and insert the word "Eight".

24. On page 9, in the item "for the salary of the clerk of the Board of Equalization" One Thousand Eight Hundred Dollars", add after the word "equalization" the words "Board of Pardons, Board of Prison Commissioners and Board of Commissioners of the Insane."

25. On page 9, in the item "for the salary of the Librarian of the State Law Library" strike out the words "One Thousand Two Hundred Dollars" and insert the words "One Thousand Five Hundred Dollars".

26. On page 9, strike out the item "for office and travelling expenses of the State Board of Horticulture, Two Thousand Five Hundred Dollars".

27. On page 9, in the item "for the salary of the Secretary of the State Board of Horticulture" strike out the words "Two Hundred".

28. In the item "for public printing for the year 1904" strike out the word "Seven" and insert the word "six".

Conference report adopted.

Swindlehurst introduced the following resolution on part of the minority members of the House:—

Whereas, the Hon. B. F. White, Speaker of this Legislative Assembly has not only discharged the arduous duties of that office with distinguished ability and high parliamentary skill, but also by his uniform courtesy and unvarying impartiality has conducted the business of the House with the public interests as his sole purpose without reference to partisan advantage, and—

Whereas, we, the adherents of the minority party upon this floor, desire to leave upon the records of the Assembly a testimonial of his services and the treatment accorded us, therefore,

BE IT RESOLVED, that the thanks of the minority party be and they are hereby tendered to the Speaker for his kindness and consideration to us personally; for his fair and impartial treatment officially, and for the patriotic and able manner in which he has presided over this Assembly. That our best wishes go with him to his home. May happiness and prosperity attend him and his family along the rest of life's journey. That these resolutions be spread on the Journal of this House."

On motion of Stapleton, seconded by Hilger and MacGinniss, resolution adopted.

"Mr. Speaker:—I am directed by the Senate to inform your Honorable body that the following House Bills were to-day not concurred in and the same are herewith returned:—350, 313, 176, 277, 283, 273, 333, Sub. 295, and H. B. No. 192.

X. K. STOUT, Sec."

By Johnson:—"Mr. Speaker:—Your Committee of Conference appointed to meet a similar committee from the Senate in reference to Senate amendments to House Bill No. 173, beg leave to report that they have met with the Senate Committee and after a thorough discussion and submission to them of several propositions, have been unable to secure their agreement to anything but an absolute concurrence in the Senate amendments to House Bill No. 173. We await your further orders."

On motion of Lanstrum House resolved itself into Committee of the Whole to consider H. B. No. 173. Swindlehurst in the chair.

House resumed. Mr. Speaker in the chair.

Swindlehurst reported as follows:

"Mr. Speaker:—Your Committee of the Whole to whom was referred House Bill No. 173, beg leave to report that they have had same under consideration and recommend that the Senate amendments be not concurred in."

On motion of Miller, report adopted.

Tooley reported as follows:—

"Mr. Speaker:—Your Committee on Enrollment report the following House Bills as correctly enrolled this 5th day of March, 1903:

H. J. M. No. 8.

H. B. No. 113. An act to amend sections 1, 2, 7, 8, 9, 15, and 19 of an act entitled an act to create Montana State Board of Horticulture, to prescribe its duties and powers and to appropriate money therefor, approved Feb. 17, 1899, and as amended by the act of Mar. 14, 1901, and to add to said act certain new sections to be designated as sections 21 and 28 inclusive.

H. B. No. 347. An act appropriating money for salaries of certain officers, additional money for state institutions, and for various other expenses connected with state government.

H. B. No. 326. An act making an appropriation for the claim of the National Guard account money due the various companies.

Sub. H. B. No. 60. An act to provide a penalty for dogging live stock on public ranges.

H. B. No. 346. An act appropriating money for the payment of the claim of the Montana Hardware Co. of Lewistown, Montana, account supplies furnished Company I, First Montana National Guard.

Sub. for H. B. No. 194. An act to regulate the wages of engineers, night engineer and day fireman of the heating plant of the state Capitol.

H. B. No. 321. An act to extend the boundaries of Powell County and to alter the boundaries of Lewis and Clarke county to conform thereto.

H. B. No. 278. An act to amend section 1190, Chapter 2, Title 15, of the Penal Code of the State of Montana, being an act to prevent the use as a brand of any sash or frying pan.

H. B. No. 322. An act making appropriations for the executive and judicial departments of the state government for the fiscal years ending November 30, 1903 and November 30, 1904.

Sub. H. B. No. 132. An act to enable the state to accept the offer of the United States, viz: one million acres of arid land under the act of congress, commonly known as the Carey Act, approved Aug. 18, 1894, amended June 11, 1896 and March 3, 1901, by abolishing the State Arid Land Grant Commission and establishing instead the Carey Land Act Board, to be composed of State Engineer, Secretary of State and State Examiner, defining the powers and duties of said Board, providing that it serve without additional compensation, relieving the state of liability, disposition of funds from land sales, making eight hours a day's work, and prohibiting mongolian labor on any contract under this act, and creating the office of State Engineer, defining his duties and salary and appropriating funds for salary, office and travelling expenses of said Engineer and Carey Land Act Board.

H. B. No. 345. An act to prescribe the duties of peace officers in this state upon complaint being made to them by any citizens of the commission of an offense against the law and to provide penalties for violation thereof.

Sub. H. B. No. 168. An act providing that taxes received from Fire insurance companies corporations and associations doing business in the state of Montana be applied to the maintenance of fire departments.

H. B. No. 320. An act regulating insurance companies."

By Tooley:—"Mr. Speaker:—Your Committee on Enrollment report that the following House Bills were delivered to His Excellency, the Governor, at 11 o'clock P. M. March 5, 1903.

H. B. No. 266. An act to prohibit the advertising to procure divorces.

H. B. No. 52. An act to amend sections 4090 and 506 inclusive, being all of Article XI, Chapter III, Title I, Part III, Political Code of Montana, providing for the appointment of a State Examiner and defining his duties and powers.

H. B. No. 291. An act to protect employes in certain rights relating to company boarding houses, and providing a penalty for the violation thereof.

H. B. No. 259. An act to establish a law uniform with the laws of other states, relating to negotiable instruments.

H. B. No. 224. An act to amend section 4062 of the Political Code of the state of Montana as the same is now in force after amendment by an act entitled, an act to amend section 4062 of Article 2, Chapter 8, Political Code of Montana, relating to licenses, approved March 4th, 1897, relating to licenses.

Sub, for H. B. No. 157. An act to protect the owners of real estate



of the land laws of the U. S. and lessees of state lands, from trespass by depredation or injury from live stock held in herd.

H. B. No. 251. An act appropriating money for the payment of the claim of the Independent Pub. Co., account services rendered Clerk Supreme Court.

H. B. No. 97. An act providing for Farmers Institutes and making an appropriation therefor.

H. B. No. 89. An act appropriating money for the completing, furnishing and equipping certain buildings for the University of Montana at Missoula, Montana.

Sub. for H. B. No. 158 and 163. An act providing for the establishment of a Montana State Fair, for the appointment of a Board of Directors, executive committee and other officers, for the conduct and management thereof, and appropriating money therefor.

H. B. No. 262. An act to amend sections 4 and 3 of an act to provide for the licensing of insurance companies, associations, and societies doing business in the State of Montana, approved March 4, 1897.

Sub. for H. B. No. 114. An act to amend section 584, Division 1, Title 3, Part 4, Chapter 1, of the Civil Code of the State of Montana, relating to reserve in banks.

Sub. for H. B. No. 126. An act to create the office of meat and milk inspector for the State of Montana, and providing their powers and duties and compensation therefor.

H. B. No. 338. An act appropriating money to pay mileage traveled by members of the Senate and House Special Committee to investigate the state institutions, and to pay clerk hire.

H. B. No. 169. An act appropriating money for the relief and benefit of the State Orphans Home.

H. B. No. 335. An act appropriating money for the payment of the salaries of the Commissioners of the Supreme Court and of their clerk, and for incidental expenses.

H. B. No. 332. An act making appropriations for state institutions of Montana for the fiscal years ending Nov. 30, 1903 and Nov. 30, 1904.

H. B. No. 342. An act making an appropriation to procure a bronze tablet to be placed in the main hall of the State Capitol Building upon which shall be inscribed the name, rank, company, regiment, date of enlistment and date of death of each member of the First Montana Volunteers who lost his life in the Phillipine War.

H. B. No. 305. An act to amend section 6 of an act of the Seventh Legislative Assembly entitled an act creating a State Board of Health, defining its powers and duties and providing for the compensation of its officers, and providing for the enforcement of the rules and regulations of said board."

Also, by Tooley:—

"Mr. Speaker:—Your Committee on Enrollment report that the following House bills were delivered to His Excellency, the Governor, at 11.45 o'clock P. M., March 5th, 1903, to-wit:—

Sub. H. B. No. 132. An act to enable the State to accept the offer of the U. S. viz: one million acres of arid land under act of congress, commonly known as the Carey Act, approved Aug. 18th, 1894, amended June 11th, 1896 and March 3rd, 1901, by abolishing the State Arid Land Grant Commission and establishing instead the Carey Land Act Board to be composed of the State Engineer, Secretary of State and State Examiner, defining the duties and powers of said Board, providing that it serve without additional compensation, relieving the state of liability, disposition of funds from land sales, making eight hours a day's work and prohibiting Mongolian labor on any contract under this act, and creating the office of State Engineer, providing his duties and salary and appropriating funds for salary, office and traveling expenses of said engineer and Carey Land Act Board.

H. B. No. 345. An act prescribe the duties of peace officers in this state, upon complaint being made to them by any citizen of the commission of an offense against the law, and to provide penalties for violation thereof.

Sub. for H. B. No. 168. An act providing that taxes received from

insurance companies, corporations and associations doing business in the State of Montana, be applied to the maintenance of fire departments.

H. B. No. 320. An act regulating insurance companies.

H. J. M. No. 8.

H. B. No. 113. An act to amend section 1, 2, 7, 8, 9, 15 and 19 of an act entitled an act to create the Montana State Board of Horticulture, to prescribe its duties and powers and to appropriate money therefor, approved Feb. 17, 1899, and as amended by an act of March 14, 1901, and to add to said act certain new sections to be designated as sections 21 and 28 inclusive.

H. B. No. 347. An act appropriating money for salaries of certain officers, additional money for state institutions, and for various other expenses connected with said government.

H. B. No. 326. An act making an appropriation for the claim of the National Guard, account money due the various companies.

Sub. for H. B. No. 60. An act to provide a penalty for dogging live stock on public ranges.

H. B. No. 346. An act appropriating money for the payment of the claim of the Montana Hardware Co. of Lewistown, Montana, account supplies furnished Company "I" First Montana National Guard.

Sub. H. B. No. 194. An act to regulate the wages of Engineer, night engineer and day fireman of the heating plant of the state Capitol.

H. B. No. 321. An act to extend the boundaries of Powell county and to alter the boundaries of Lewis and Clarke County to conform thereto.

H. B. No. 278. An act to amend section 1190, Chapter 2, Title 15, of the Penal Code of the State of Montana, being an act to prevent the use as a brand of any sash or frying pan."

By Tooley:—"Mr. Speaker:—Your Committee on Enrollment report that the following House Bills were delivered to His Excellency, the Governor, at 12 o'clock M., March 5th, 1903:

Sub. for H. B. No. 140. An act to amend section 955 of Chapter 3, Title 8, Part 4, Division 1 of the Civil Code of Montana, relating to live stock killed or injured, and to add to said chapter a section to be known as Section 955-A.

H. B. No. 330. An act to amend sections 14, 15, 27, 31, and 44 of House Bill No. 204, entitled an act relating to public improvements in cities and towns, and repealing sections 4817 to 4830 inclusive and 4880 to 4899 inclusive, of the Political Code of the State of Montana, approved March 8th, 1897.

H. B. No. 177. An act giving authority to the city or town council or any city or town to issue upon the credit of said town coupon bonds under certain conditions."

Mr. Speaker announced that he was about to sign House Bills Nos. 346, 278, 194, 113, 326, 60, 321, 347, 132, 345, 320, 168, and H. J. M. No. 8.

Lanstrum, from Conference Committee, reported that the two committees were unable to come to any agreement on H. B. No. 173.

On motion of Dwight, report was received and committee discharged.

A committee of the Senate appeared at the bar of the House and reported that the Senate had no further business to report to the House and were about to adjourn sine die.

On motion of Lanstrum a Committee of three was appointed to inform the Governor that the House was about to adjourn sine die.

Mr. Speaker appointed as such committee Lanstrum, Swindlehurst and Dwight.

On motion of Allen, a committee of three was appointed to inform the Senate that the House was about to adjourn sine die.

Mr. Speaker appointed as such committee, Allen, Word and Bray of Lewis and Clarke.

Lanstrum, from Special Committee reported that they had informed the Governor as directed.

On motion of Stapleton, seconded by Lanstrum, the Clerk was instructed to take House Bill No. 173 over to the Senate.

Allen reported that they had informed the Senate of the adjournment of the House sine die.

By Tooley:—"Mr. Speaker:—Your Committee on Enrollment report that the following House Bill was delivered to His Excellency, the Governor, at 11.45 o'clock P. M., March 5, 1902.

H. B. No. 322. An act making appropriations for the executive and judicial departments of the State government for the fiscal years ending November 30, 1903 and November 30, 1904."

At 12 o'clock P. M., Mr. Speaker declared the House adjourned sine die.

B. F. WHITE,
Speaker.

NATHAN GODFREY,
Chief Clerk.



PROCEEDINGS OF HOUSE

Extra-Ordinary Session
of the
Eighth Legislative Assembly

Convened in the city of Helena, the Seat of Government, of the
State of Montana.

May 26, 1903

Eighth Legislative Assembly in Extraordinary Session was convened at the Capitol in the City of Helena, on Tuesday the 26th day of May, 1903, at 10 o'clock A. M. pursuant to the following Proclamation:

Pursuant to the power vested in me by Section II of Article VII of the constitution, I hereby convene the Legislature in Extraordinary Session at the Capitol in the City of Helena on the 26th day of May, 1903, at 10 o'clock A. M., for the following purposes:

First, to appropriate a sufficient sum of money to collect, install and properly exhibit in a State building or otherwise, the resources of this State at the forthcoming Louisiana Exposition to be held at St. Louis, Missouri, in 1904.

Second, to appropriate a sufficient sum of money to pay the actual and necessary expenses of maintaining the Capitol Building and grounds for the fiscal years 1903 and 1904.

Given under my hand and the Great Seal of the State this Sixth day of May, One Thousand Nine Hundred and Three.

By the Governor

J. K. TOOLE.

GEO. M. HAYS,

Secretary of State.

(SEAL.)

HOUSE JOURNAL

EXTRAORDINARY SESSION

Roll was called and the following members answered to their names:

Axtell, Bray (Lewis and Clarke), Bray (Rosebud), Beaudry, Benson, Bever, Brownlee, Burt, Cannon, Conner, Dempster, Downey, Dwight, Everett, Farmer, Faust, Flaherty, Gangner, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lanstrum, Lehsou, Lienemann, Linderman, Lynch, Martin, Miller, Miles, Morrissey, McCone, MacDonald, Noble, O'Keefe, Owen, Pearson, Rice, Sales, Self, Schwend, Stadler, Shannon, Story, Swindlehurst, Sykes, Teal, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson (Cascade), Wood, Woodworth, Word and Mr. Speaker.

Prayer by the Chaplain.

Chief Clerk read the foregoing Proclamation of the Governor.

On motion of Miller the Speaker appointed as a committee to wait upon the Governor, to inform him that the House was ready for business, Messrs. Miller, Wood, Graham.

On motion of Lanstrum, the Speaker appointed as a committee to wait upon the Senate to inform them that the House was ready for business, Lanstrum, King and Swindlehurst.

Miller from special Committee reported that the committee appointed to inform the Governor that the House was ready to receive any communication he might wish to make had performed that duty, and the Governor replied by transmitting the following message:

GOVERNOR'S MESSAGE, EIGHTH LEGISLATIVE ASSEMBLY, EXTRAORDINARY SESSION, MAY 26, 1903.

Executive Office, Helena, Montana, May 26, 1903.

To the Eighth Legislative Assembly in Extraordinary Session:

At your last regular session I called attention to the forthcoming celebration, at St. Louis, Missouri, of the One Hundredth Anniversary of the acquisition of the Louisiana Purchase by the United States, and recommended an appropriation sufficient to secure a creditable representation of this State and its varied resources on that occasion.

The suggestion met with a hearty response from the people of the State.

A bill was introduced in line with the recommendation so made, but for some reason failed to become a law.

Since your adjournment the subject has been thoroughly considered and discussed by the people and the press, and the almost unanimous opinion is that a State comprising such an important part of the Louisiana Purchase as Montana does, should not fail to be properly represented.

In deference to this strong public sentiment, and to this end I appointed an honorary Commission to solicit private subscriptions and arrange for the collection and exhibition of our resources at the Exposition.

At that time this seemed to be the only possible plan at our command.

It soon developed, however, that this method would entail considerable expenditure of time and money on the part of the Commission which was

acting without compensation, and that after all, nothing short of an appropriation out of the public treasury would be adequately responsive to the popular demand.

I have, therefore, upon the request of a majority of both houses of your honorable body and obedient to the expressed wishes of a large constituency, deemed it prudent and proper to convene the Eighth Legislative Assembly in extraordinary session to make suitable provision for our representation at St. Louis.

At the same time provision should be made for transferring all available exhibits from St. Louis to Portland, Oregon, for the purpose of having the same exhibited at the Lewis and Clarke Centennial and American Pacific Exposition and Oriental Fair to be held in that city in 1905.

Since your adjournment it has been made manifest that the amount appropriated for the maintenance of the Capitol building and grounds is wholly inadequate.

The amount appropriated was Twelve Thousand Dollars for 1903 and Ten Thousand Dollars for 1904.

I append hereto a carefully prepared estimate from which it appears that the appropriation for 1903 is \$7,290.99 short of the amount actually necessary to maintain the Capitol and grounds, while the amount appropriated for 1904 is short \$9,290.99.

At your last session you appropriated for 1903.....	\$12,000.00
Amount already expended.....	\$ 6,972.74
Salaries, April 1 to November 30, Head Janitor, \$3.00 per day and \$10.00 per month extra.....	812.00
3 Janitors, 1 Night Watchman, 1 Laborer, 1 Elevator Man, 1 Telephone Operator, 1 Day Fireman, 2 Scrub Women; 10 persons at \$3.00, \$732.00 each.....	7,320.00
Head Engineer, 8 mo. at \$125.00.....	1,000.00
Night Engineer, 244 days, at \$3.50.....	854.00

Total	\$ 9,986.00
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From this total may be deducted the salary of the Day Fireman and the Night Engineer for the months of

May, June, July and August, amounting to.....	804.50
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Total salaries to be added.....	\$ 9,181.50
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Which added to the amount already expended makes.....	\$16,154.24
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Deficiency	4,154.24
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From this statement it will be seen that if no other charges are made against this appropriation except salaries of employees, the deficiency at the end of the year will amount to \$4,154.24.

If to this is added the estimated expenses of the Building and Grounds according to the accompanying statement, amounting to \$3,136.75 the deficiency at the end of the year will amount to the sum of \$7,290.99.

ESTIMATE

of charges against the appropriation for the maintenance of the Capitol Building for the fiscal year ending November 30, 1903.

Already expended	\$ 6,972.74
Salaries of employees	\$ 9,181.50
Coal	\$750.00
Water	750.00
Light	650.00
Lissner Water	40.00
Ice	80.00
Laundry	100.00
Telephone	216.75
Re-seeding Lawn, trees, etc.....	150.00
Repairs and Sundries	400.00
	3,136.75

Total	\$19,290.99
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Appropriation	12,000.00
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Deficiency (1903)	\$ 7,290.99
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The amount appropriated for 1904 was only \$10,000.00, while the same fixed charges as the preceding year will necessarily be maintained. It will be observed that this will leave a deficiency for 1904 of \$9,290.99, which does not take into account the purchase of trees, etc., which will probably cost, set, including digging holes and extra black earth, \$2.50 apiece.

In my opinion \$5,000 is a conservative estimate for this purpose.

RECAPITULATION.

Additional appropriation required for 1903.....\$ 7,290.99
Additional appropriation required for 1904..... 14,290.99

I desire to express my appreciation of the commendable public spirit which animated you in suggesting the propriety of this extraordinary session without expense to the state, and to advise you that the President of the United States, returning from a tour to the Pacific Coast, will be the guest of this State and the Capital City on to-morrow and that the ceremonies attending his welcome will be held at the north entrance of the Capitol.

You are cordially invited to attend and participate in the same.

J. K. TOOLE, Governor.

Lanstrum from special committee appointed to inform the Senate that the House was ready for business reported that they had performed that duty.

A committee of 3 from the Senate appeared at the bar of the House and reported that the Senate was now ready to proceed to business.

On motion of King the rules were suspended and the order of

INTRODUCTION OF BILLS

was now taken up without previous notice being given.

By Johnson from committee on Fairs & Expositions:

H. B. No. 1. Placed on file.

By Tolman from committee on Appropriation H. B. No. 2. Placed on file.

READING OF HOUSE BILLS.

H. B. No. 1. An Act appointing a commission, making an appropriation and providing for an exhibition of the arts, industries, manufactures and products of the soil, ranges, mines and forests of the State of Montana at the Louisiana Purchase Exposition, to be held at St. Louis in the year 1904.

Read first and second times, and referred to Committee on Fairs and Expositions.

H. B. No. 2. A bill for An Act appropriating money for the care and maintenance of the Capitol building & Grounds.

Read first and second times, and referred to Committee on Corporations.

The following communication was received from the Governor:

To the Speaker of the House:

The late Capitol Commission unanimously agreed that among the historic paintings which should adorn the Capitol Building, one should represent the driving of the last spike in the Northern Pacific Railroad, which signalized the completion of another great transcontinental highway.

In the course of correspondence with Mr. Mellen, President of the Northern Pacific Railway Company, to obtain the necessary information for the use of the artist in producing the painting, the company most generously undertook the responsibility of securing an artist and furnishing us the painting delivered in this city without cost or expense to the State.

It has been put in position this morning in the place reserved for it over the grand stairway where it is being generally admired as a work of art and worthy of our acceptance and preservation.

I have the honor to suggest that a suitable resolution of acceptance, conveying our appreciation of the same, be passed and a copy sent to Mr. Charles S. Mellen, President of the Northern Pacific Railway Company.

Yours Very Truly,

J. K. TOOLE, Governor.

On motion Mr. Speaker appointed as a special committee to draft resolutions in conformity with above request, Wood, Faust and Miller.

REPORTS OF COMMITTEES.

The following reports were made:

By Johnson:—Your Committee on Fairs and Expositions to whom was referred a bill entitled an Act appointing a commission, making an appropriation and providing for an exhibition of the arts, industries, manufactures and products of the soil, ranges, mines and forests of the State of Montana at the Louisiana Purchase Exposition, to be held at St. Louis in the year 1904, have had the same under consideration and recommend that it do pass.

JOHNSON, Chairman.

Bill ordered printed.

By Conner:—Mr. Speaker:—Your Committee on Appropriations to whom was referred H. B. No. 2, beg leave to report as follows: We have considered said bill and report a substitute therefor, and recommend that the substitute do pass.

A. CONNER, Chairman.

Substitute Bill adopted and ordered printed.

Also: Your Committee on Appropriations to whom was referred H. B. No. 3 beg leave to report as follows: We have considered said bill and recommend that it do pass.

A. CONNER, Chairman.

By unanimous consent Word introduced H. J. Resolution No. 1 relating to the picture representing the driving of the last spike of the Northern Pacific Railroad, which was read and adopted.

The Speaker declared the House in recess until 2 o'clock P. M.

AFTERNOON SESSION.

House resumed at 2 o'clock P. M.

Mr. Speaker in the chair.

Roll called. Arthur and MacGinniss were additional members present. Quorum Present.

Everett from Printing Committee reported H. B. No. 1 as correctly printed.

King moved that all House rules on Business be suspended and that the order of Business be designated by the Speaker.

On motion of Miller the House resolved itself into Committee of the Whole for the consideration of House Bill No. 1.

Swindlehurst in the chair.

House resumed.

Mr. Speaker in the chair.

Swindlehurst from committee of the Whole reported that they had considered H. B. No. 1, and recommended that it do pass. Report adopted.

On motion of King H. B. No. 1 was considered engrossed and placed upon its final passage.

Roll called with the following result:

Ayes:—Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Buchanan, Burt, Cannon, Conner, Dempster, Downey, Dwight, Everett, Farmer, Faust, Flaherty, Gangner, Giltinan, Graham, Harrison, Hefferlin, Hilger, Hilman, Johnson, King, Lancaster, Lehsou, Lienemann, Linderman, Lynch, Miller, Miles, Morrissey, McCone, MacDonald, McGinniss, Noble, O'Keefe, Owen, Pearson, Rice, Sales, Self, Schwend, Shannon, Stadler, Story, Swindlehurst, Sykes, Tolman, Tooley, Vagg, Webb, Whiteley, Williams, Wilson of Cascade, Wood, Woodworth, Word and Mr. Speaker—61.

Noes—None.

Word by unanimous leave introduced Senate Concurrent Resolution relating to the picture representing the driving of the last spike of the Northern Pacific Railroad. Read and adopted.

Recess for 30 minutes.

House resumed at 3.15 P. M.

Mr. Speaker in the chair.

Everett from committee on Printing reported as correctly printed Sub. for House Bill No. 2 and House Bill No. 3.

On motion of King, House resolved itself into Committee of the Whole to consider Sub. H. B. No. 2 and H. B. No. 3. Swindlehurst in the chair.

House resumed. Mr. Speaker in the chair.

Swindlehurst reported that the Committee of the Whole have had under consideration Sub. H. B. No. 2 and H. B. No. 3 and recommend that they do pass. Report adopted.

On motion of King Sub. H. B. No. 2 and H. B. No. 3 were considered engrossed and placed upon their final passage.

Sub. H. B. No. 2 was read third time and passed by the following vote:

Ayes:—Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Burt, Cannon, Conner, Dempster, Downey, Dwight, Everett, Farmer, Faust, Flaherty, Gangner, Giltinan, Graham, Harrison, Hilger, Hilman, Johnson, King, Lancaster, Lelsou, Lienemann, Linderman, Lynch, Miller, Miles, Morrissey, McCone, MacDonald, Noble, O'Keefe, Owen, Pearson, Rice, Sales, Self, Schwend, Stadler, Story, Swindlehurst, Sykes, Tolman, Tooley, Vagg, Whiteley, Williams, Wilson of Cascade, Wood, Woodworth, Word and Mr. Speaker—58.

Noes—None.

H. B. No. 3 was read third time and passed by the following vote:

Ayes:—Arthur, Axtell, Bray of Lewis and Clarke, Bray of Rosebud, Beaudry, Benson, Bever, Brownlee, Burt, Cannon, Conner, Dempster, Downey, Dwight, Everett, Farmer, Faust, Flaherty, Gangner, Giltinan, Graham, Harrison, Hilger, Hilman, Johnson, King, Lancaster, Lelsou, Lienemann, Linderman, Lynch, Miller, Miles, Morrissey, McCone, MacDonald, Noble, O'Keefe, Owen, Pearson, Rice, Sales, Self, Schwend, Stadler, Story, Swindlehurst, Sykes, Tolman, Tooley, Vagg, Whiteley, Williams, Wilson of Cascade, Wood, Woodworth, Word and Mr. Speaker—58.

Noes—None.

Miller by unanimous consent introduced H. J. R. No. 1 concerning sale of old furniture belonging to the G. A. R. Read and adopted.

Cannon by unanimous consent introduced a resolution asking the Governor to enlarge the powers of the Extra Session to enable them to pass a Railway Commission Bill at this Special Session. Adopted.

MESSAGE FROM THE SENATE.

The following message was received:

Senate Chamber, May, 26th, 1903.

Mr. Speaker:—I am directed by the Senate to inform your Honorable body, that: H. B. No. 1 was to-day read third time and concurred in and is herewith returned.

Respectfully,

X. K. STOUT, Secretary.

Tooley from Committee on enrollment reported as correctly enrolled. H. B. No. 1.

Mr. Speaker announced that he was about to sign H. B. No. 1.

At 4.15 P. M. House took a recess until 8 o'clock P. M.

EVENING SESSION.

House resumed at 8 o'clock P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

The following communication was received from the Governor:

To the Speaker of the House of Representatives:

I am in receipt of the following resolution:

"House Resolution. To His Excellency, the Governor:

"We, the members of the Eighth Legislative Assembly, believing that conditions in this State demand a Railway Commission, as recommended in your message to the Joint Assembly, January 8, 1903, earnestly request that you extend the powers of this body so that a Railway Commission Bill may be passed at this special session."

This extraordinary session was called for a special purpose in response to requests made by a majority of the Senate and House of Representatives.

The resolution presented does not purport to be a joint or current resolution, but simply the wishes of the House of Representatives.

Besides this the public whose interests are to be effected are likewise entitled to be apprised of the character of legislation which is contemplated at an extra session, and there is no means of doing this without unduly prolonging this session. There may be other matters deemed by some to be quite as important as this, and to permit this would be to open the door which could not be closed without discrimination and just criticism.

However desirable such legislation as indicated in your resolution may be, good faith with the Senate and the public would not permit me under their request for an extra session and under the call made therefor to impose upon it the duty of considering at this time legislation which requires great care and careful consideration.

In view of these facts, and the further fact that members serving without compensation, I do not deem it prudent or proper to extend the powers of this session beyond these understood by all and expressly stated in the call.

J. K. TOOLE, Governor.

The following messages were received from the Senate:

Senate Chamber.

Mr. Speaker: I am directed by the Senate to inform your Honorable body, that: Sub. H. B. No. 2 was to-day read third time and concurred in and is herewith returned.

Also: H. B. No. 3 was to-day read third time and concurred in and is herewith returned.

Respectfully,

X. K. STOUT, Secretary.

Sub. H. B. No. 2 and H. B. No. 3 were ordered enrolled.

Miller by unanimous consent introduced the following resolution:

Resolved, That the thanks of House of Representatives be and are hereby extended to Hon. Nathan Godfrey, Chief Clerk, James Shoemaker, Assistant Clerk, J. R. Eardley, Journal Clerk, Charles A. Garlow, Assistant Journal Clerk, Miss McDonald and Miss Kirkendall, Enrolling and Engrossing Clerks, J. A. Mills, Printing Clerk, M. H. Race, Sergeant-at-Arms, J. H. McFarland, Ass't Sergt-at-Arms, Rev. Dr. Raleigh, Chaplain, David Keenan, Door Keeper, Fred Thieme, Irvin Wies, Guy Allen and Joseph Pierson, Pages, for their valuable services generously donated for the good of the state.

Adopted.

Tooley reported as correctly enrolled Sub. H. B. No. 2 and H. B. No. 3.

Mr. Speaker announced that he was about to sign Sub. H. B. No. 2 and H. B. No. 3.

The following message was received from the Senate.

Senate Chamber, May 26th, 1903.

Mr. Speaker: I am directed by the Senate to inform your Honorable body, that: H. J. Res. No. 1 was today read third time and concurred in. and is herewith returned.

Respectfully,

X. K. STOUT, Secretary.

A special committee from the Senate appeared at the bar of the House and announced that the Senate had completed its business and was about to adjourn sine die.

Tooley from Committee on Enrollment reported as follows:

Mr. Speaker: Your Committee on Enrollment report that House Bill No. 1, and Substitute for House Bill No. 2, and House Bill No. 3, and H. J. Resolution No. 1, were delivered to His Excellency, the Governor and signed by him at 9.30 o'clock P. M. May 26, 1903.

On motion of Conner the House adjourned sine die at 9.40 o'clock P. M.

Approved.

B. F. WHITE,
Speaker.

Attest: NATHAN GODFREY,

Chief Clerk.

